

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO COURTS; PROVIDING THAT ON-RECORD PROCEEDINGS IN METROPOLITAN COURTS MAY BE APPEALED DIRECTLY TO THE COURT OF APPEALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 34-8A-6 NMSA 1978 (being Laws 1979, Chapter 346, Section 6, as amended) is amended to read:

"34-8A-6. METROPOLITAN COURT--RULES--APPEAL.--

A. The supreme court shall adopt separate rules of procedure for the metropolitan courts. The rules shall provide simple procedures for the just, speedy and inexpensive determination of any metropolitan court action.

B. Other than for actions brought pursuant to the Uniform Owner-Resident Relations Act, the metropolitan court is a court of record for civil actions. Any party aggrieved by a judgment rendered by the metropolitan court in a civil action may appeal to the court of appeals. The manner and method for the appeal shall be set forth by supreme court rule.

C. The metropolitan court is not a court of record for civil actions brought pursuant to the Uniform Owner-Resident Relations Act. Any party aggrieved by a judgment rendered by the metropolitan court in a civil action brought pursuant to the Uniform Owner-Resident Relations Act

1 may appeal to the district court of the county in which the
2 metropolitan court is located within fifteen days after the
3 judgment was rendered. The appeal shall be de novo.

4 D. The metropolitan court is a court of record for
5 criminal actions involving driving while under the influence
6 of intoxicating liquor or drugs or involving domestic
7 violence. A criminal action involving domestic violence
8 means an assault or battery under any state law or municipal
9 or county ordinance in which the alleged victim is a
10 household member as defined in the Family Violence Protection
11 Act. Any party aggrieved by a judgment rendered by the
12 metropolitan court in a criminal action involving driving
13 while under the influence of intoxicating liquor or drugs or
14 involving domestic violence may appeal to the court of
15 appeals. The manner and method of appeal shall be set forth
16 by supreme court rule.

17 E. The metropolitan court is not a court of record
18 for criminal actions other than driving while under the
19 influence of intoxicating liquor or drugs or domestic
20 violence actions. Any party aggrieved by a judgment rendered
21 by the metropolitan court in a criminal action, other than
22 driving while under the influence of intoxicating liquor or
23 drugs or domestic violence action, may appeal to the district
24 court of the county in which the metropolitan court is
25 located within fifteen days after the judgment was rendered.

1 The appeal shall be de novo.

2 F. All judgments rendered in civil actions in the
3 metropolitan court shall be subject to the same provisions of
4 law as those rendered in district court." _____

HB 279/a
Page 3

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25