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HOUSE BILL 42

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Zachary J. Cook

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; PROVIDING THAT A MUNICIPALITY MAY APPEAL TO THE COURT OF APPEALS FROM ANY DECISION OF THE DISTRICT COURT RELATING TO THE VIOLATION OF AN ORDINANCE.

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

SECTION 1. Section 35-15-11 NMSA 1978 (being Laws 1935, Chapter 28, Section 1, as amended) is amended to read:

"35-15-11. MUNICIPALITY MAY APPEAL.--~~[The]~~ A municipality ~~[shall have]~~ has the right to appeal to the district court from the municipal court and to the ~~[supreme]~~ court of appeals from any decision of the district court in every case brought for the violation of an ordinance of ~~[said]~~ the municipality. The municipality shall be allowed an appeal from the municipal court to the district court only when the municipal court has held an ordinance or section ~~[thereof]~~ of an ordinance invalid

underscoring material = new
[bracketed material] = delete

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1 or unconstitutional or that the complaint is not legally
2 sufficient."

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