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SENATE BILL 6

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Peter Wirth

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE FIRST  
JUDICIAL DISTRICT AND IN THE DONA ANA MAGISTRATE DISTRICT;  
DECLARING AN EMERGENCY.

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

Section 1. Section 34-6-4 NMSA 1978 (being Laws 1968,  
Chapter 69, Section 7, as amended) is amended to read:

"34-6-4. JUDGES--FIRST JUDICIAL DISTRICT.--There shall be  
[seven] eight district judges in the first judicial district."

Section 2. Section 35-1-10 NMSA 1978 (being Laws 1968,  
Chapter 62, Section 12, as amended) is amended to read:

"35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There  
shall be [five] six magistrates in Dona Ana magistrate  
district. Divisions 1, 2, 3, 4, [~~and~~] 5 and 6 shall operate as  
a single court in Las Cruces and shall rotate riding circuit to

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underscoring material = new  
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1 Anthony and Hatch on a regularly scheduled basis."

2 Section 3. TEMPORARY PROVISION--DISTRICT JUDGE--  
3 APPOINTMENT.--The additional district judgeship provided for in  
4 this 2010 act shall be filled by appointment by the governor  
5 pursuant to the provisions of Article 6 of the constitution of  
6 New Mexico.

7 Section 4. TEMPORARY PROVISION--MAGISTRATE COURT--  
8 ELECTION.--

9 A. The office of magistrate in Dona Ana magistrate  
10 district, division 6, shall be filled by the general election  
11 in 2010. The first full term of office of the elected  
12 magistrate shall begin on January 1, 2011.

13 B. If this act is passed by less than a two-thirds  
14 vote of either house of the legislature, the office of  
15 magistrate in Dona Ana magistrate district, division 6, shall  
16 be filled by appointment by the governor on or after the  
17 effective date of this act. The appointed magistrate shall  
18 serve until succeeded by a magistrate elected at the general  
19 election in 2012.

20 Section 5. CONTINGENT EFFECTIVE DATE.--If this act is  
21 passed by less than a two-thirds vote of either house of the  
22 legislature, the effective date of the provisions of this act  
23 is January 1, 2011.

24 Section 6. EMERGENCY.--It is necessary for the public  
25 peace, health and safety that this act take effect immediately.

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