Administrative Office of the Courts

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New law expands option for simplifying court system

SANTA FE – A change in state law will allow more New Mexico communities to streamline their governmental operations by having state magistrate courts hear cases involving municipal ordinances.

"The new law offers an option for communities to create a more efficient and less confusing court structure," Supreme Court Chief Justice Judith Nakamura said Thursday. "This is a good government measure."

Currently, smaller communities may have as many as four different types of courts: a state district court, a state magistrate court, a municipal court and a probate court.

Existing law requires a municipal court in communities with a population of more than 1,500. However, municipalities with a population of less than 1,500 may allow magistrate courts to handle municipal ordinance cases, such as traffic citations issued by local police.

Under the new law effective June 14, municipalities with a population under 10,000 – and located within 25 miles of a magistrate court – will have the option to transfer the legal authority over municipal ordinances to a magistrate court. The transfer would happen only with approval of the local governing body and the state Supreme Court.

"Smaller communities will have an opportunity to save taxpayer money by no longer operating a municipal court that hears a limited number of cases each year," said Sen. Richard Martinez of Española, chairman of the Senate Judiciary Committee, who sponsored the legislation (Senate Bill 173).

Gov. Michelle Lujan Grisham signed the municipal court measure into law.

“Simplifying our court structure can reduce confusion among New Mexicans about our judicial system and addresses a public safety issue,” Justice Nakamura said. “Courts may face scheduling conflicts if a law enforcement officer needs to testify on the same day in cases in municipal and magistrate courts. That can delay justice and unnecessarily take officers off the street.”

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