



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER CA1

HOUSE JOINT RESOLUTION 18

Introduced by

REPRESENTATIVE W. KEN MARTINEZ



CONSTITUTIONAL AMENDMENT 1

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO ARTICLE 6, SECTION 32 OF THE
2 CONSTITUTION OF NEW MEXICO TO PROVIDE FOR TWO ADDITIONAL
3 MEMBERS TO SIT ON THE JUDICIAL STANDARDS COMMISSION, A
4 MUNICIPAL JUDGE AND A PUBLIC MEMBER.
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7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. It is proposed to amend Article 6, Section
9 32 of the constitution of New Mexico to read:

10 "There is created the "judicial standards commission",
11 consisting of two justices or judges, one magistrate, one
12 municipal judge and two lawyers selected as may be provided by
13 law to serve for terms of four years, and seven citizens, none
14 of whom is a justice, judge or magistrate of any court or
15 licensed to practice law in this state, who shall be appointed
16 by the governor for five-year staggered terms as may be
17 provided by law. If a position on the commission becomes
18 vacant for any reason, the successor shall be selected by the
19 original appointing authority in the same manner as the
20 original appointment was made and shall serve for the
21 remainder of the term vacated. No act of the commission is
22 valid unless concurred in by a majority of its members. The
23 commission shall select one of the members appointed by the
24 governor to serve as chair.

25 In accordance with this section, any justice, judge or

1 magistrate of any court may be disciplined or removed for
2 willful misconduct in office, persistent failure or inability
3 to perform a judge's duties, or habitual intemperance, or may
4 be retired for disability seriously interfering with the
5 performance of the justice's, judge's or magistrate's duties
6 that is, or is likely to become, of a permanent character.
7 The commission may, after investigation it deems necessary,
8 order a hearing to be held before it concerning the
9 discipline, removal or retirement of a justice, judge or
10 magistrate, or the commission may appoint three masters who
11 are justices or judges of courts of record to hear and take
12 evidence in the matter and to report their findings to the
13 commission. After hearing or after considering the record and
14 the findings and report of the masters, if the commission
15 finds good cause, it shall recommend to the supreme court the
16 discipline, removal or retirement of the justice, judge or
17 magistrate.

18 The supreme court shall review the record of the
19 proceedings on the law and facts and may permit the
20 introduction of additional evidence, and it shall order the
21 discipline, removal or retirement as it finds just and proper
22 or wholly reject the recommendation. Upon an order for
23 retirement, any justice, judge or magistrate participating in
24 a statutory retirement program shall be retired with the same
25 rights as if the justice, judge or magistrate had retired

1 pursuant to the retirement program. Upon an order for
2 removal, the justice, judge or magistrate shall thereby be
3 removed from office, and the justice's, judge's or
4 magistrate's salary shall cease from the date of the order.

5 All papers filed with the commission or its masters, and
6 proceedings before the commission or its masters, are
7 confidential. The filing of papers and giving of testimony
8 before the commission or its masters is privileged in any
9 action for defamation, except that the record filed by the
10 commission in the supreme court continues privileged but, upon
11 its filing, loses its confidential character, and a writing
12 that was privileged prior to its filing with the commission or
13 its masters does not lose its privilege by the filing. The
14 commission shall promulgate regulations establishing
15 procedures for hearings under this section. No justice,
16 judge or magistrate who is a member of the commission or
17 supreme court shall participate in any proceeding involving
18 the justice's, judge's or magistrate's own discipline, removal
19 or retirement.

20 This section is alternative to, and cumulative with, the
21 removal of justices, judges and magistrates by impeachment and
22 the original superintending control of the supreme court."

23 **SECTION 2.** The amendment proposed by this resolution
24 shall be submitted to the people for their approval or
25 rejection at the next general election or at any special

1 election prior to that date that may be called for that
2 purpose.

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