

The Legislature
of the
State of New Mexico

48th Legislature, Second Session

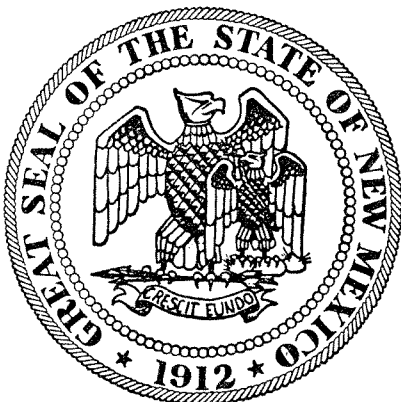
LAWS 2008

CHAPTER _____

SENATE MEMORIAL 31

Introduced by

SENATOR JAMES G. TAYLOR
SENATOR LINDA M. LOPEZ
SENATOR BERNADETTE M. SANCHEZ



1 A MEMORIAL

2 REQUESTING THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONDUCT
3 A STUDY ON THE NEED OF CLASS A COUNTIES TO HAVE A SPECIAL
4 JUDGE OR A SPECIAL MASTER TO HEAR CODE ENFORCEMENT CASES.
5

6 WHEREAS, every year Bernalillo county presents
7 approximately three hundred cases to the district and
8 metropolitan courts relating to alleged violations of codes,
9 including the zoning, building, environmental health, animal
10 control, fire marshal and public works codes; and

11 WHEREAS, code violation cases are often docketed with
12 other types of cases that may be viewed as having a higher
13 priority, such as DWI, traffic violation and domestic
14 violence cases; and

15 WHEREAS, in the first ten months of 2007, Bernalillo
16 county filed in metropolitan court one hundred forty-six
17 zoning-related cases of which forty-five percent were
18 continued for additional hearings; and

19 WHEREAS, in the first ten months of 2007, Bernalillo
20 county filed in district court six zoning-related cases of
21 which four were resolved and two were continued; and

22 WHEREAS, the number of code enforcement cases filed in
23 Bernalillo county will continue to increase as code
24 compliance becomes more of a priority for the community and
25 enforcement efforts are increased; and

1 WHEREAS, increased emphasis on county code enforcement
2 will increase congestion in an already over-burdened court
3 system; and

4 WHEREAS, assigning code enforcement cases to an
5 additional special division of the court system or to a
6 special master outside the traditional court system may
7 ameliorate court congestion resulting from increased
8 enforcement efforts and provide enforcement staff with the
9 support needed to effectively enforce county codes;

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
11 STATE OF NEW MEXICO that it request the administrative office
12 of the courts to conduct a study in the need for class A
13 counties to have a special judge or special master to hear
14 code enforcement cases; and

15 BE IT FURTHER RESOLVED that the administrative office of
16 the courts present the results of its study and any
17 recommendations regarding the need for class A counties to
18 have a special judge or special master to hear code
19 enforcement cases to the appropriate interim legislative
20 committee no later than October 1, 2008; and

21 BE IT FURTHER RESOLVED that a copy of this memorial be
22 transmitted to the director of the administrative office of
23 the courts. _____

24
25
RECEIVED

2008

s/Diane D. Denish
Diane D. Denish, President
Senate

s/Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

STATE OF CALIFORNIA

LEGISLATIVE COUNCIL