

1 ~~[5-102. Rules and forms.~~

2 ~~———— A. ——— Approval procedure. Each district court may from time to time recommend to the~~
3 ~~Supreme Court local rules governing its practice in criminal cases. Copies of proposed local rules~~
4 ~~and amendments shall be submitted to the Supreme Court and to the chair of the Supreme Court’s~~
5 ~~Local Rules Committee (“the committee”) for review. If the proposed local rule amends an existing~~
6 ~~local rule, a mark up copy shall be submitted to the Supreme Court and the committee. The~~
7 ~~committee shall review any proposed local rule for content, appropriateness, style, and consistency~~
8 ~~with the other local rules, statewide rules and forms, and the laws of New Mexico, and shall advise~~
9 ~~the Supreme Court and the chief judge of the district of its opinion and recommendation regarding~~
10 ~~the proposed rules. Local rules and forms shall not conflict with, duplicate, or paraphrase statewide~~
11 ~~rules or statutes. The committee shall consult with the chief judge, or the chief judge’s designee,~~
12 ~~regarding any revisions recommended by the committee. Following the consultation, the~~
13 ~~committee shall report its recommendations to the Supreme Court, and shall bring to the Court’s~~
14 ~~attention any differences of opinion between the committee and the chief judge. No local rule shall~~
15 ~~take effect unless:~~

16 ~~———— (1) ——— approved by an order of the Supreme Court;~~

17 ~~———— (2) ——— filed with the clerk of the Supreme Court; and~~

18 ~~———— (3) ——— published in accordance with Rule 23-106(L)(9) and (10) NMRA.~~

19 ~~———— B. ——— Definition. A “local rule” whether called a rule, order, or other directive, is a rule~~
20 ~~which governs the procedure in a judicial district in suits of a criminal nature. An order, which is~~
21 ~~consistent with local rules, statewide rules and forms, and the laws of New Mexico, that is entered~~
22 ~~in an individual case and served on the parties shall not be considered a local rule.~~

1 ~~———— C. ———~~ **Applicability.** This rule shall not apply to technical specifications for electronic
2 ~~transmission adopted by a district court to permit electronic transmission of documents to the court~~
3 ~~if the technical specifications are limited to the form of the documents to be transmitted and are~~
4 ~~consistent with any technical specifications approved by the Supreme Court and the provisions of~~
5 ~~Rule 5-103.2 NMRA.~~

6 ~~———— D. ———~~ **Periodic review of local rules required.** Every two years beginning on January 1,
7 ~~2019, the chief judge of each odd-numbered judicial district shall review the district's local rules~~
8 ~~and submit a report to the committee identifying any local rules that are no longer needed by the~~
9 ~~district and confirming that the district's local rules do not conflict with, duplicate, or paraphrase~~
10 ~~statewide laws, rules, and forms. Every two years beginning on January 1, 2020, the chief judge~~
11 ~~of each even-numbered judicial district shall review the district's local rules and submit a report~~
12 ~~to the committee identifying any local rules that are no longer needed by the district and confirming~~
13 ~~that the district's local rules do not conflict with, duplicate, or paraphrase statewide laws, rules,~~
14 ~~and forms. The committee shall review each report submitted under this paragraph and submit a~~
15 ~~recommendation to the Supreme Court by June 30 of the year the report was submitted for any~~
16 ~~proposed changes to the district's local rules that may be warranted.]~~

17 [As amended, effective September 1, 1991; January 1, 1997; July 1, 1997; April 1, 1999; as
18 amended by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or
19 after December 31, 2016; as withdrawn by Supreme Court Order No. S-1-RCR-2024-00078,
20 effective July 1, 2024.]