

Opinion No. 68-91

September 5, 1968

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Mr. Louis R. Lopez Administrative Assistant Court Administrator's Office Supreme Court Building Santa Fe, New Mexico

QUESTION

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Does a Justice of the Peace have jurisdiction under Section 64-22-19, N.M.S.A., 1953 Compilation (P.S.)?

CONCLUSION

No.

OPINION

{*143} **ANALYSIS**

Section 64-22-19, N.M.S.A., 1953 Compilation (P.S.) reads:

"Minor driving motor vehicle while possessing alcoholic liquor -- Suspension of driver's license. -- Upon determination that a minor has violated the provisions of this act, the judge trying the case shall suspend the minor's driver's license for a period of not less than one (1) day but for not more than any period of time which runs past the twenty-first birthday of such minor."

The preceding section to 64-22-19, *supra*, of the Motor Vehicle Code. (64-22-18), states that:

"Any person under the age of eighteen (18) years of age who violates Section 1 (64-22-17) of this act (64-22-17 to 64-22-20) **shall be charged as a juvenile offender.**" (Emphasis supplied).

Since only the juvenile court judge has original jurisdiction over juvenile offenders, the Justice of the Peace is precluded from having jurisdiction, Section 13-8-26, N.M.S.A., 1953 Compilation (P.S.). Therefore, the answer to your question is no.

By: Spencer T. King

Assistant Attorney General