

Opinion No. 20-2497

February 25, 1920

BY: N. D. MEYER., Assistant Attorney General

TO: Mr. Jas. O. McDowell, Justice of the Peace, Tyrone, New Mexico.

Jurisdiction of Justices of Peace in Criminal Matters.

OPINION

Referring to your letter of February 25th in which you ask for an opinion from this office relative to the jurisdiction of Justices of the Peace in criminal cases we beg to advise:

Chapter 13 of the Session Laws of 1915 gives Justices of the Peace jurisdiction in all cases of misdemeanor where the punishment prescribed by law may be a fine of one hundred dollars or less or imprisonment for six months or less, or both.

I am inclined to believe and, therefore, hold that in such misdemeanors as that defined by Section 558 of the Code of 1915 which prescribes the imposition of a fine of from twenty-five dollars to five hundred dollars or not more than six months in jail or both such fine and imprisonment, a Justice of the Peace has jurisdiction and may impose punishment therein to the extent of the limitation contained in Chapter 13 of the Session Laws of 1915.

I admit that there is room for argument that a Justice of the Peace has not jurisdiction in such a case, and for the present, at least, it is a matter of opinion among lawyers, the question not having, as far as I know, been decided by the Supreme Court.