

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

FILED IN MY OFFICE
2ND JUDICIAL DISTRICT COURT
BERNALILLO COUNTY, NM
JAMES A. NOEL
CLERK OF THE COURT
1/9/2020 4:07 PM
Patricia Serna

IN THE MATTER OF THE USE OF
SECOND JUDICIAL DISTRICT COURT
APPROVED EXPUNGEMENT FORMS

A-1211

D-202-MS-1926-01211

ORDER

THIS MATTER comes before the Court pursuant to the exercise of its inherent authority to promote judicial efficiency and regulate dockets. The Court, being otherwise fully advised, **HEREBY ORDERS AND DECREES** that this Administrative Order, in order to promote overall efficiency in the judicial system and to ensure the public and attorneys are informed of the requirements for seeking and filing expungement actions, adopts and establishes the use of forms and procedures for filing expungement actions in the Second Judicial District Court, as more fully stated below:

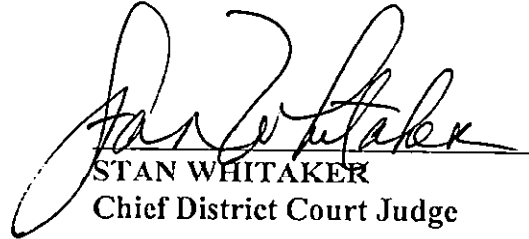
- A. The New Mexico Legislature enacted NMSA 1978, Section 29-3A-1 to 29-3A-7 (hereinafter "Criminal Record Expungement Act"), effective January 1, 2020.
- B. Pursuant to NMSA 1978, Section 29-3A-6, the Administrative Office of the Courts (hereinafter "AOC") and the Department of Public Safety (hereinafter "DPS") are to develop rules and procedures for implementation of the Criminal Record Expungement Act.
- C. As of the date of this Order, the New Mexico Supreme Court has adopted no rules or procedures related to the Criminal Record Expungement Act.
- D. The Criminal Record Expungement Act does not contain any additional funding or resources for the judiciary to implement the Act.
- E. The use of mandatory forms and adoption of procedures for implementing the provisions of the Criminal Record Expungement Act will better serve the public in filing for relief and will promote efficiency within the Second Judicial District Court when addressing expungement matters.
- F. The use of the forms and procedures adopted by this Order shall be mandatory in the Second Judicial District and this Order shall remain in effect until further order of the Court, or until procedures, rules, and forms are developed by the AOC and the DPS and adopted by the New Mexico Supreme Court.
- G. The mandatory forms shall be available on the Second Judicial District Court website at <https://secondjudicialdistrictcourt.nmcourts.gov/> and at the Self-Help Center located at the Second Judicial District Court Courthouse at 400 Lomas NW.
- H. The Second Judicial District Court may modify its forms as needed. If modifications are made to the mandatory forms, the modified forms will be posted on the Second Judicial District Court's website.
- I. Pleadings filed pursuant to the Criminal Record Expungement Act are subject to the Second Judicial District Court civil filing fees.
- J. In order to promote efficiency and the conservation of resources while implementing the Criminal Record Expungement Act, and in accordance with Rule 23-109(B) NMRA, and

with agreement from the Civil and Criminal Presiding Judges, expungement petitions will be randomly assigned among the following: three designated judges from the Civil Division, three designated judges from the Criminal Division, and the Chief Judge. If necessary, the case may later be reassigned by the chief judge to any judge in the Second Judicial District Court who has not previously recused or been excused.

- K. Any party wishing to object pursuant to NMSA 1978, Sections 29-3A-4(B) or 29-3A-5(B) shall have thirty (30) days from receipt of service of the petition to file a written objection.
- L. In order to further promote efficiency and the conservation of resources, the Second Judicial District Court may vacate any hearings and rule on the pleadings if no objections are made pursuant to NMSA 1978, Section 29-3A-4(B) (regarding expungement of records upon release without conviction), and no notice and hearing are necessary pursuant to Section 29-3A-3(D) (regarding expungement of records upon identity theft).
- M. Any questions regarding the use of the forms or procedures adopted for use in the Second Judicial District pursuant to this Order may be directed to the Court Administration Division of the Second Judicial District Court.

IT IS SO ORDERED.

DATED this 9th of January, 2020.


STAN WHITAKER
Chief District Court Judge