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**HOUSE BILL 624**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Thomas C. Taylor**

**AN ACT**

**RELATING TO LOCAL GOVERNMENT; INCREASING THE AMOUNT OF THE  
LOCAL GOVERNMENT CORRECTIONS FEE ADDED TO PENALTY ASSESSMENT  
MISDEMEANORS; AMENDING SECTIONS OF THE NMSA 1978; MAKING AN  
APPROPRIATION.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 33-3-25 NMSA 1978 (being Laws 1983,  
Chapter 134, Section 1, as amended) is amended to read:**

**"33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--  
ADMINISTRATION--DISTRIBUTION. --**

**A. There is created in the state treasury a "local  
government corrections fund" to be administered by the  
administrative office of the courts.**

**B. All balances in the local government  
corrections fund are appropriated to the administrative office**

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1 of the courts for payment to counties and municipalities in  
2 counties with a metropolitan court for use by counties and  
3 those municipalities for county or municipal jailer or  
4 juvenile detention officer training, for the construction  
5 planning, construction, maintenance and operation of the  
6 county or municipal jail or juvenile detention facility, [~~to~~  
7 ~~pay~~] for paying the cost of housing county or municipal  
8 prisoners or juveniles in any detention facility in the state,  
9 for alternatives to incarceration or for complying with match  
10 or contribution requirements for the receipt of federal funds  
11 relating to jails [~~a~~] or juvenile detention [~~facility~~]  
12 facilities. Payments shall be made quarterly upon  
13 certification by the magistrate court or metropolitan court  
14 and the motor vehicle division of the taxation and revenue  
15 department of eligible amounts as provided in Subsection C of  
16 this section.

17 C. Each county shall be eligible for a payment in  
18 an amount equal to the costs and fees collected by a  
19 magistrate court or a metropolitan court and the motor vehicle  
20 division pursuant to offenses committed within the county and  
21 deposited in the local government corrections fund; provided,  
22 in a county with a metropolitan court, the county shall be  
23 eligible for a payment in an amount equal to costs and fees  
24 collected pursuant to offenses committed within the boundaries  
25 of the unincorporated areas of the county, and a municipality

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1 in that county shall be eligible for a payment in an amount  
2 equal to the costs collected pursuant to offenses committed  
3 within the boundaries of the municipality.

4 D. Payments from the local government corrections  
5 fund shall be made upon vouchers issued and signed by the  
6 director of the administrative office of the courts upon  
7 warrants drawn by the secretary of finance and administration.

8 E. All money received by a county or a  
9 municipality pursuant to this section shall be deposited in a  
10 special fund in the county or municipal treasury and shall be  
11 used solely for county or municipal jailer or juvenile  
12 detention officer training, for the construction planning,  
13 construction, maintenance and operation of the county or  
14 municipal jail or juvenile detention facility, [~~to pay~~] for  
15 paying the cost of housing county or municipal prisoners or  
16 juveniles in any detention facility in the state, for  
17 alternatives to incarceration or for complying with match or  
18 [~~for~~] contribution requirements for the receipt of federal  
19 funds relating to jails or juvenile detention facilities. "

20 Section 2. Section 66-8-116.3 NMSA 1978 (being Laws  
21 1989, Chapter 320, Section 5, as amended) is amended to read:

22 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL  
23 FEES.--In addition to the penalty assessment established for  
24 each penalty assessment misdemeanor, there shall be assessed:

25 A. in a county without a metropolitan court, [~~ten~~

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1 ~~dollars (\$10.00)]~~ twenty dollars (\$20.00) to help defray the  
2 costs of local government corrections;

3 B. a court automation fee of ten dollars (\$10.00);

4 C. a traffic safety fee of three dollars (\$3.00),  
5 which shall be credited to the traffic safety education and  
6 enforcement fund;

7 D. a judicial education fee of one dollar (\$1.00),  
8 which shall be credited to the judicial education fund;

9 E. a brain injury services fee of five dollars  
10 (\$5.00), which shall be credited to the brain injury services  
11 fund; and

12 F. a court facilities fee as follows:  
13 in a county with a metropolitan court . . . . . 24.00;  
14 in any other county . . . . . 10.00. "

15 Section 3. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2001.