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**HOUSE BILL 343**

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

**INTRODUCED BY**

**Rhonda S. King**

**AN ACT**

**RELATING TO COUNTIES; ESTABLISHING A RATE OF REIMBURSEMENT TO  
COUNTIES FOR EXPENSES INCURRED WHEN COUNTIES EXTRADITE,  
TRANSPORT AND FEED STATE PRISONERS; AMENDING SECTIONS OF THE  
NMSA 1978; MAKING AN APPROPRIATION.**

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

**Section 1. Section 4-44-18 NMSA 1978 (being Laws 1961,  
Chapter 253, Section 4, as amended) is amended to read:**

**"4-44-18. SHERIFFS, DEPUTY SHERIFFS AND GUARDS--EXPENSES  
INCURRED IN SERVING PROCESS AND CERTAIN OTHER OFFICIAL  
BUSINESS--PER DIEM - REIMBURSEMENT TO COUNTIES FOR EXPENSES  
INCURRED WHEN EXTRADITING AND TRANSPORTING STATE PRISONERS. --**

**A. Sheriffs, their deputies and guards shall be  
paid per diem expenses at the rate authorized in the Per Diem  
and Mileage Act by the counties on behalf of which expenses**

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1 are incurred in:

2 (1) service of criminal process issued out of  
3 the supreme court or district court;

4 (2) service of criminal process issued out of  
5 a magistrate court when the issuance is approved in writing by  
6 the district attorney or his assistants;

7 (3) service of civil process issued by the  
8 district court; and

9 (4) attempting to discover or arrest a person  
10 charged with a felony if written authorization is obtained  
11 from the district judge.

12 B. Expenses authorized [~~under~~] pursuant to this  
13 section shall be paid on the rendition of sworn accounts filed  
14 in the county clerk's office and approved by the board of  
15 county commissioners and the district judge.

16 C. Sheriffs, their deputies and guards shall be  
17 paid per diem and mileage expenses at the rate authorized in  
18 the Per Diem and Mileage Act for extraditing prisoners from  
19 without the state and for transporting persons committed by a  
20 court to any state institution or required to be returned by  
21 order of the court from any state institution to the county of  
22 commitment. The county [~~may~~] shall be reimbursed by the  
23 state for [~~the~~] not more than fifty percent of the costs for  
24 per diem, [~~and~~] mileage and other necessary travel expenses  
25 incurred [~~under~~] pursuant to this subsection by submitting

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1 claims for reimbursement to the local government division of  
2 the department of finance and administration in accordance  
3 with the department's regulations. Notwithstanding the  
4 provisions of this subsection, counties with one hundred  
5 thousand persons or more, as determined by the 2000 United  
6 States census, shall not cumulatively receive more than fifty  
7 percent of the total amount of money allocated to all counties  
8 in each fiscal year as reimbursement."

9 Section 2. Section 4-44-20 NMSA 1978 (being Laws 1961,  
10 Chapter 253, Section 8, as amended) is amended to read:

11 "4-44-20. PRISONERS--FEEDING IN TRANSIT--REIMBURSEMENT  
12 TO COUNTIES FOR EXPENSES INCURRED IN FEEDING STATE  
13 PRISONERS. --

14 A. The county sheriffs shall be reimbursed for the  
15 actual expense incurred for the care and feeding of state  
16 prisoners in transit. [~~No~~] A reimbursement shall not be made  
17 [~~under~~] pursuant to this section without proof of actual  
18 expenses incurred by a sheriff or his delegate. In no event  
19 shall the reimbursement for any prisoner exceed the rate set  
20 by the Per Diem and Mileage Act.

21 B. A county shall be reimbursed by the state for  
22 not more than fifty percent of the actual expenses incurred  
23 for the care and feeding of state prisoners in transit by  
24 submitting claims for reimbursement to the local government  
25 division of the department of finance and administration.

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1 Notwithstanding the provisions of this subsection, counties  
2 with one hundred thousand persons or more, as determined by  
3 the 2000 United States census, shall not cumulatively receive  
4 more than fifty percent of the total amount of money allocated  
5 to all counties in each fiscal year as reimbursement."

6 Section 3. A new Section 4-44-20.1 NMSA 1978 is enacted  
7 to read:

8 "4-44-20.1. [NEW MATERIAL] CAP ON THE AMOUNT OF STATE  
9 REIMBURSEMENT TO COUNTIES FOR THE EXPENSE OF EXTRADITING,  
10 TRANSPORTING AND FEEDING STATE PRISONERS. --For each fiscal  
11 year, the total amount of the reimbursement by the state to  
12 the counties for the cost of extraditing, transporting and  
13 feeding state prisoners, as provided in Sections 4-44-18 and  
14 4-44-20 NMSA 1978, shall not exceed the amount appropriated to  
15 the local government division of the department of finance and  
16 administration for that purpose. "

17 Section 4. APPROPRIATION. --One million dollars  
18 (\$1,000,000) is appropriated from the general fund to the  
19 local government division of the department of finance and  
20 administration for expenditure in fiscal year 2003 to  
21 reimburse counties for the cost of extraditing, transporting  
22 and feeding state prisoners. Any unencumbered or unexpended  
23 balance remaining at the end of fiscal year 2003 shall revert  
24 to the general fund.

25 Section 5. EFFECTIVE DATE. --The effective date of the

. 140521. 1

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provisions of this act is July 1, 2002.