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SENATE BILL 169

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

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO COURTS; REQUIRING THAT NOT LESS THAN THIRTY PERCENT OF THE BALANCES IN THE MAGISTRATE COURT WARRANT ENFORCEMENT FUND BE USED FOR THE EXPENSE OF SERVING BENCH WARRANTS; PROVIDING THAT BENCH WARRANTS ISSUED BY A MAGISTRATE COURT BEFORE JANUARY 1, 1997 AND REMAINING UNSERVED ARE UNENFORCEABLE; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 35-6-5 NMSA 1978 (being Laws 1993, Chapter 261, Section 7) is amended to read:

"35-6-5. MAGISTRATE COURT WARRANT ENFORCEMENT FUND-- FEE-- ADMINISTRATION-- USE OF MONEY IN FUND. --

A. There is created in the state treasury the "magistrate court warrant enforcement fund" to be administered by the administrative office of the courts.

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B. Upon issuance of a bench warrant, a magistrate court shall assess a fee of one hundred dollars (\$100) against the individual whose arrest is commanded by the bench warrant. Money collected pursuant to the fee assessment authorized by this subsection shall be deposited in the magistrate court warrant enforcement fund.

C. All balances in the magistrate court warrant enforcement fund are appropriated to the administrative office of the courts for the primary purpose of employing personnel and purchasing equipment and services to aid in the collection of fines, fees or costs owed to the magistrate courts. ~~[After satisfaction of the primary purpose, any money remaining in the fund may, to the extent deemed necessary by the director of the administrative office of the courts]~~

D. Notwithstanding the provisions of Subsection C of this section, not less than thirty percent of the balances in the magistrate court warrant enforcement fund shall be used each fiscal year for the secondary purpose of partially reimbursing law enforcement agencies for the expense of serving bench warrants issued by the magistrate courts, pursuant to an intergovernmental agreement entered into between the law enforcement agency and the administrative office of the courts.

~~[D-]~~ E. Payments from the magistrate court warrant enforcement fund shall be made upon warrants drawn by the

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1 secretary of finance and administration pursuant to vouchers  
2 issued and signed by the director of the administrative office  
3 of the courts.

4 [E-] F. Any balance remaining in the magistrate  
5 court warrant enforcement fund at the end of a fiscal year  
6 shall not revert to the state general fund."

7 Section 2. TEMPORARY PROVISION--AMNESTY FOR PRIOR  
8 WARRANTS.--

9 A. A bench warrant issued by a magistrate court  
10 prior to January 1, 1997 and, on the effective date of this  
11 act, not yet served upon the individual ordered to be arrested  
12 is unenforceable.

13 B. A fee assessed pursuant to Subsection B of  
14 Section 35-6-5 NMSA 1978 shall not be collected if the warrant  
15 is unenforceable pursuant to the provisions of Subsection A of  
16 this section.

17 Section 3. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2002.