

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 107

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO COURTS; PROVIDING FOR THE USE OF MUNICIPAL COURT
CORRECTIONS FEES AND MUNICIPAL COURT PENALTY ASSESSMENT FEES.

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

SECTION 1. Section 35-14-11 NMSA 1978 (being Laws 1983,
Chapter 134, Section 6, as amended) is amended to read:

"35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--
COLLECTION--PURPOSE.--

A. Every municipality shall enact an ordinance
requiring assessment of corrections fees, judicial education
fees and court automation fees to be collected as court costs
and used as provided in this section.

B. A municipal judge shall collect the following
costs:

- (1) a corrections fee of twenty dollars

1 (\$20.00);

2 (2) a judicial education fee of three dollars
3 (\$3.00); and

4 (3) a court automation fee of six dollars
5 (\$6.00).

6 C. The fees are to be collected upon conviction
7 from persons convicted of violating any ordinance relating to
8 the operation of a motor vehicle or any ordinance that may be
9 enforced by the imposition of a term of imprisonment.

10 D. All money collected pursuant to Paragraph (1) of
11 Subsection B of this section shall be deposited in a special
12 fund in the municipal treasury and shall be used for:

13 (1) municipal jailer or juvenile detention
14 officer training;

15 (2) the construction planning, construction,
16 operation and maintenance of a municipal jail or juvenile
17 detention facility;

18 (3) paying the cost of housing municipal
19 prisoners in a county jail or detention facility or housing
20 juveniles in a detention facility;

21 (4) complying with match or contribution
22 requirements for the receipt of federal funds relating to jails
23 or juvenile detention facilities;

24 (5) providing inpatient treatment or other
25 substance abuse programs in conjunction with or as an

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1 alternative to jail sentencing;

2 (6) defraying the cost of transporting
3 prisoners to jails or juveniles to juvenile detention
4 facilities; or

5 (7) providing electronic monitoring systems.

6 E. If a municipality with a population less than
7 three thousand according to the most recent federal decennial
8 census has a balance in its special fund pursuant to Subsection
9 D of this section that is over the amount projected to be
10 needed for the next fiscal year for the purposes set forth in
11 that subsection, the municipality may transfer the unneeded
12 balance to the municipality's general fund.

13 [~~E.~~] F. A municipality may credit the interest
14 collected from fees deposited in the special fund pursuant to
15 Subsection D of this section to the municipality's general
16 fund.

17 [~~F.~~] G. All money collected pursuant to Paragraph
18 (2) of Subsection B of this section shall be remitted monthly
19 to the state treasurer for credit to the judicial education
20 fund and shall be used for the education and training,
21 including production of bench books and other written
22 materials, of municipal judges and other municipal court
23 employees.

24 [~~G.~~] H. All money collected pursuant to Paragraph
25 (3) of Subsection B of this section shall be remitted monthly

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1 to the state treasurer for credit to the municipal court
2 automation fund and shall be used for the purchase, maintenance
3 and operation of court automation systems in the municipal
4 courts. Operation includes staff expenses, temporary or
5 otherwise, and costs as needed to comply with Section 35-14-12
6 NMSA 1978. The court automation systems shall have the
7 capability of providing, on a timely basis, electronic records
8 in a format specified by the judicial information systems
9 council.

10 ~~[H.]~~ I. As used in this section, "convicted" means
11 the defendant has been found guilty of a criminal charge by a
12 municipal judge, either after trial, a plea of guilty or a plea
13 of nolo contendere."

14 **SECTION 2.** Section 66-8-130 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 538, as amended) is amended to read:

16 "66-8-130. ALL TRAFFIC CITATIONS TO CONFORM--
17 MUNICIPALITIES MAY PASS ORDINANCE TO ESTABLISH SIMILAR
18 PROGRAM.--

19 A. The uniform traffic citation shall be used by
20 all state and local agencies enforcing laws and ordinances
21 relating to motor vehicles. Any municipality may, by passage
22 of an ordinance, establish a municipal penalty assessment
23 program similar to that established in Sections 66-8-116
24 through 66-8-117 NMSA 1978 for violations of provisions of the
25 Motor Vehicle Code. Every municipality that has adopted an

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1 ordinance to establish a penalty assessment program shall
 2 assess on all penalty assessment misdemeanors after January 1,
 3 1984, in addition to the penalty assessment, a penalty
 4 assessment fee of ten dollars (\$10.00) to be deposited in a
 5 special fund in the municipal treasury for use by the
 6 municipality only for municipal jailer training; for the
 7 construction planning, construction, operation and maintenance
 8 of the municipal jail; for paying the costs of housing that
 9 municipality's prisoners in other detention facilities in the
 10 state; or for complying with match or contribution requirements
 11 for the receipt of federal funds relating to jails. Such a
 12 municipal program shall be limited to violations of municipal
 13 traffic ordinances.

14 B. If a municipality with a population less than
 15 three thousand according to the most recent federal decennial
 16 census has a balance in its special fund pursuant to Subsection
 17 A of this section that is over the amount projected to be
 18 needed for the next fiscal year for the purposes set forth in
 19 that subsection, the municipality may transfer the unneeded
 20 balance to the municipality's general fund.

21 [~~B.~~] C. All penalty assessments under a municipal
 22 program authorized by this section shall be processed by the
 23 municipal court, and all fines and fees collected shall be
 24 deposited in the treasury of the municipality. A copy of each
 25 penalty assessment processed shall be forwarded to the division

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1 within ten days of completion of local processing for posting
2 to the driver's record. With the prior approval of the
3 director, the required information may be submitted to the
4 division by electronic means in lieu of forwarding copies of
5 the penalty assessments.

6 ~~[G-]~~ D. Each agency shall provide itself with
7 copies conforming exactly in size and format with the uniform
8 traffic citation prescribed by the director, and any
9 alterations to conform with local conditions must be approved
10 by the director."

11 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
12 provisions of this act is July 1, 2013.

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