

HOUSE BILL 91

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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AN ACT

RELATING TO COURTS; INCREASING THE MAXIMUM MEDIATION FEE AMOUNT
A METROPOLITAN COURT SHALL ASSESS.

.218266.1SAAIC February 4, 2021 (3:14pm)

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

SECTION 1. Section 35-6-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 92, as amended) is amended to read:

"35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF "CONVICTED".--

A. Magistrate judges, including metropolitan court judges, shall assess and collect and shall not waive, defer or suspend the following costs:

docket fee, criminal actions under Section 29-5-1 NMSA 1978 \$ 1.00;
docket fee, to be collected prior to docketing any other criminal action, except as provided in Subsection B of Section 35-6-3 NMSA 1978. 20.00.
Proceeds from this docket fee shall be transferred to the administrative office of the courts for deposit in the court facilities fund;
docket fee, twenty dollars (\$20.00) of which shall be deposited in the court automation fund and fifteen dollars (\$15.00) of which shall be deposited in the civil legal services fund, to be collected prior to docketing any civil action, except as provided in Subsection A of Section 35-6-3 NMSA 1978 . . . 72.00;
jury fee, to be collected from the party demanding trial by jury in any civil action at the time the demand is filed or made 25.00;
copying fee, for making and certifying copies of any

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records in the court, for each page copied by
photographic process 0.50.

Proceeds from this copying fee shall be transferred
to the administrative office of the courts for
deposit in the court facilities fund; and

copying fee, for computer-generated or electronically
transferred copies, per page 1.00.

Proceeds from this copying fee shall be transferred
to the administrative office of the courts for
deposit in the court automation fund.

Except as otherwise specifically provided by law, docket
fees shall be paid into the court facilities fund.

B. Except as otherwise provided by law, no other
costs or fees shall be charged or collected in the magistrate
or metropolitan court.

C. The magistrate or metropolitan court may grant
free process to any party in any civil proceeding or special
statutory proceeding upon a proper showing of indigency. The
magistrate or metropolitan court may deny free process if it
finds that the complaint on its face does not state a cause of
action.

D. As used in this subsection, "convicted" means the
defendant has been found guilty of a criminal charge by the
magistrate or metropolitan judge, either after trial, a plea of
guilty or a plea of nolo contendere. Magistrate judges,

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including metropolitan court judges, shall assess and collect and shall not waive, defer or suspend the following costs:

(1) corrections fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment as follows:

- in a county with a metropolitan court \$10.00;
- in a county without a metropolitan court 20.00;

(2) court automation fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment 10.00;

(3) traffic safety fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle 3.00;

(4) judicial education fee, to be collected upon conviction from persons convicted of operating a motor vehicle in violation of the Motor Vehicle Code, convicted of a crime

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constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance punishable by a term of imprisonment. 3.00;

(5) jury and witness fee, to be collected upon conviction from persons convicted of operating a motor vehicle in violation of the Motor Vehicle Code, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance punishable by a term of imprisonment 5.00;

(6) brain injury services fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle 5.00;
and

(7) court facilities fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment as follows:

in a county with a metropolitan court 24.00;
in any other county 10.00.

E. Metropolitan court judges shall assess and collect and shall not waive, defer or suspend as costs a mediation fee

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not to exceed [~~five dollars (\$5.00)] fifteen dollars (\$15.00)
for the docketing of small claims and criminal actions
specified by metropolitan court rule. Proceeds of the
mediation fee shall be deposited into the metropolitan court
mediation fund."~~

HLLC→SECTION 2. EFFECTIVE DATE.--The effective date of
the provisions of this act is July 1, 2021.←HLLC

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