

1 AN ACT

2 RELATING TO COURTS; ELIMINATING COURT FEES; PROVIDING
3 ADDITIONAL WAYS OF SERVING COMMUNITY SERVICE TO PAY FINES,
4 FEES OR COSTS; REDUCING IMPRISONMENT FOR NONPAYMENT OF FINES
5 OR COSTS; AMENDING JAIL FOR NONPAYMENT OF FINES OR COSTS;
6 REPEALING SECTIONS 31-12-6 THROUGH 31-12-8, 31-12-11,
7 31-12-13, 35-14-11 AND 66-8-116.3 NMSA 1978 (BEING LAWS
8 1858-1859, P. 30; LAWS 1981, CHAPTER 367, SECTIONS 1 AND 2;
9 LAWS 2003, CHAPTER 387, SECTION 1; LAWS 2015, CHAPTER 10,
10 SECTION 3; LAWS 1983, CHAPTER 134, SECTION 6; AND LAWS 1989,
11 CHAPTER 318, SECTION 35, AS AMENDED).

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

14 SECTION 1. Section 31-12-3 NMSA 1978 (being Laws 1971,
15 Chapter 236, Section 1, as amended) is amended to read:

16 "31-12-3. PAYING FINES, FEES OR COSTS IN INSTALLMENTS--
17 COMMUNITY SERVICE OPTION.--

18 A. Any person sentenced to pay a fine or to pay
19 fees and costs in any criminal proceeding against the person,
20 either in addition to or without a term of imprisonment,
21 shall be allowed to pay such fine, fees or costs in
22 installments of such amounts, at such times and upon such
23 conditions as the court may fix.

24 B. The defendant may also be required to serve a
25 period of time in labor to be known as "community service" in

1 lieu of all or part of the fine, fees or costs. The labor
2 shall be meaningful, shall not be suspended or deferred and
3 shall be of a type that benefits the public at large or any
4 public, charitable or educational entity or institution,
5 including enrollment in job training or an academic or
6 vocational program or participation in social service or
7 rehabilitation programs, and is consistent with Article 9,
8 Section 14 of the constitution of New Mexico. Any person
9 performing community service pursuant to court order shall be
10 immune from civil liability arising out of the community
11 service other than for gross negligence, shall not be
12 entitled to wages or considered an employee for any purpose
13 and shall not be entitled to workers' compensation,
14 unemployment or any other benefits otherwise provided by law.
15 Instead, a person who performs community service shall
16 receive credit toward the fine, fees or costs at twice the
17 rate of the prevailing state hourly minimum wage. Unless
18 otherwise provided, however, the total fine, fees and costs
19 shall be payable forthwith.

20 C. The court may at any time revise, modify,
21 reduce or enlarge the amount of the installment or the time
22 and conditions fixed for payment of it.

23 D. When a defendant sentenced to pay a fine in
24 installments or ordered to pay fees or costs defaults in
25 payment, the court, upon motion of the prosecutor or upon its

1 own motion, may require the defendant to show cause why the
2 defendant's default should not be treated as contumacious and
3 may issue a summons or a warrant of arrest for the
4 defendant's appearance. It shall be a defense that the
5 defendant did not willfully refuse to obey the order of the
6 court or that the defendant made a good faith effort to
7 obtain the funds required for the payment. If the
8 defendant's default was contumacious, the court may order the
9 defendant committed until the fine or a specified part of it
10 or the fees or costs are paid. A defendant who is ordered to
11 a period of confinement under this subsection shall receive
12 credit toward the fine, fees or costs at twenty-four times
13 the rate of the state minimum wage for each day or portion of
14 a day of incarceration. A defendant shall receive credit at
15 the same rate for all pre-sentence confinement served. The
16 maximum term of imprisonment for such contumacious nonpayment
17 shall be specified in the order of commitment.

18 E. If it appears that a defendant's default in the
19 payment of a fine, fees or costs is not contumacious, the
20 court may allow the defendant additional time for payment,
21 reduce the amount of the fine or of each installment, revoke
22 the fine or the unpaid portion in whole or in part or require
23 the defendant to perform community service in lieu of the
24 fine, fees or costs."

25 SECTION 2. Section 31-12-9 NMSA 1978 (being Laws 1981,

1 Chapter 367, Section 3, as amended) is amended to read:

2 "31-12-9. CRIME LABORATORY FUND CREATED--
3 APPROPRIATION.--There is created in the state treasury the
4 "crime laboratory fund". The fund consists of gifts, grants,
5 donations, appropriations and distributions to the fund made
6 pursuant to the Tax Administration Act. All balances in the
7 crime laboratory fund are appropriated to the traffic safety
8 bureau of the department of transportation to provide funds
9 to approved comprehensive community programs for the
10 prevention of driving while under the influence of alcohol or
11 drugs and for other traffic safety purposes. Payment out of
12 the crime laboratory fund shall be made on vouchers issued
13 and signed by the chief of the traffic safety bureau upon
14 warrants drawn by the department of finance and
15 administration."

16 SECTION 3. Section 31-12-12 NMSA 1978 (being Laws 2003,
17 Chapter 387, Section 2, as amended) is amended to read:

18 "31-12-12. DOMESTIC VIOLENCE OFFENDER TREATMENT OR
19 INTERVENTION FUND CREATED--APPROPRIATION--PROGRAM
20 REQUIREMENTS.--

21 A. The "domestic violence offender treatment or
22 intervention fund" is created in the state treasury. The
23 fund consists of gifts, grants, donations, appropriations and
24 distributions to the fund made pursuant to the Tax
25 Administration Act.

1 B. Balances in the domestic violence offender
2 treatment or intervention fund are appropriated to the
3 children, youth and families department to provide funds to
4 domestic violence offender treatment or intervention programs
5 to defray the cost of providing treatment or intervention to
6 domestic violence offenders. Unexpended or unencumbered
7 balances remaining in the fund at the end of any fiscal year
8 shall not revert to the general fund.

9 C. Payment out of the domestic violence offender
10 treatment or intervention fund shall be made on vouchers
11 issued and signed by the secretary of children, youth and
12 families upon warrants drawn by the department of finance and
13 administration.

14 D. In order to be eligible for money from the
15 domestic violence offender treatment or intervention fund, a
16 domestic violence offender treatment or intervention program
17 shall include the following components in its program:

18 (1) an initial assessment to determine if a
19 domestic violence offender will benefit from participation in
20 the program;

21 (2) a written contract, which must be signed
22 by the domestic violence offender, that sets forth:

23 (a) attendance and participation
24 requirements;

25 (b) consequences for failure to attend

1 or participate in the program; and

2 (c) a confidentiality clause that
3 prohibits disclosure of information revealed during treatment
4 or intervention sessions;

5 (3) strategies to hold domestic violence
6 offenders accountable for their violent behavior;

7 (4) a requirement that group discussions are
8 limited to members of the same gender;

9 (5) an education component that:

10 (a) defines physical, emotional,
11 sexual, economic and verbal abuse and techniques for stopping
12 those forms of abuse; and

13 (b) examines gender roles,
14 socialization, the nature of violence, the dynamics of power
15 and control and the effects of domestic violence on children;

16 (6) a requirement that a domestic violence
17 offender not be under the influence of alcohol or drugs
18 during a treatment or intervention session;

19 (7) a requirement, except with respect to a
20 domestic violence offender who is a voluntary participant in
21 the program, that the program provide monthly written reports
22 to the presiding judge or the domestic violence offender's
23 probation or parole officer regarding:

24 (a) proof of the domestic violence
25 offender's enrollment in the program;

1 (b) progress reports that address the
2 domestic violence offender's attendance, fee payments and
3 compliance with other program requirements; and

4 (c) evaluations of progress made by the
5 domestic violence offender and recommendations as to whether
6 or not to require the offender's further participation in the
7 program; and

8 (8) a requirement that the term of the
9 program be at least fifty-two weeks.

10 E. Counseling for couples shall not be a component
11 of a domestic violence offender treatment or intervention
12 program.

13 F. As used in this section, "domestic violence
14 offender" means a person:

15 (1) convicted for an offense pursuant to the
16 provisions of the Crimes Against Household Members Act;

17 (2) convicted for violating an order of
18 protection granted by a court pursuant to the provisions of
19 the Family Violence Protection Act;

20 (3) referred to a domestic violence offender
21 treatment or intervention program by a judge, a domestic
22 violence special commissioner or the parole board; or

23 (4) who voluntarily participates in a
24 domestic violence offender treatment or intervention
25 program."

1 SECTION 4. A new section of Chapter 31, Article 12 NMSA
2 1978 is enacted to read:

3 "RELIEF OF COURT DEBT FOR FEES OR COSTS.--The court, by
4 its own motion or by defendant petition, may waive fees or
5 costs assessed prior to July 1, 2024."

6 SECTION 5. Section 33-2-40 NMSA 1978 (being Laws 1913,
7 Chapter 50, Section 2, as amended) is amended to read:

8 "33-2-40. FINES AND COSTS--SERVICE FOR.--All convicts
9 sentenced to the penitentiary of New Mexico who have a fine
10 or costs or both attached to the sentence shall not be
11 required to serve more than fifteen days for the fine or
12 costs."

13 SECTION 6. Section 33-3-11 NMSA 1978 (being Laws 1889,
14 Chapter 9, Section 1, as amended) is amended to read:

15 "33-3-11. JAIL FOR NONPAYMENT OF FINE OR COSTS.--

16 A. Whenever any person is committed to jail for
17 nonpayment of any fine or costs or both, the person shall be
18 credited with twenty-four times the state hourly minimum wage
19 a day in reduction thereof for each day or portion of a day
20 of incarceration. When the person has remained incarcerated
21 a sufficient length of time to extinguish the fine or cost or
22 both, computed at this rate, or has paid to the sentencing
23 court the amount of the fine or costs or both, remaining
24 after deducting credit allowed by this section and obtaining
25 from the court an order of release from commitment, the

1 officer having the prisoner in custody shall discharge the
2 prisoner from custody under commitment.

3 B. If the person in custody makes an affidavit
4 that the person has no property out of which the person can
5 pay the fine and costs, either or any part, the prisoner
6 shall not be retained in custody longer than fifteen days
7 even though the fine and costs or either exceeds the amount
8 credited toward repayment during those fifteen days. The
9 affidavit shall be delivered to the sheriff or jail
10 administrator as defined in Section 4-44-19 NMSA 1978 having
11 custody of the prisoner."

12 SECTION 7. Section 33-3-25 NMSA 1978 (being Laws 1983,
13 Chapter 134, Section 1, as amended) is amended to read:

14 "33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--
15 ADMINISTRATION--DISTRIBUTION.--

16 A. There is created in the state treasury the
17 "local government corrections fund" to be administered by the
18 local government division of the department of finance and
19 administration. The fund consists of gifts, grants,
20 donations, appropriations and distributions to the fund made
21 pursuant to the Tax Administration Act.

22 B. All balances in the local government
23 corrections fund are appropriated to the local government
24 division of the department of finance and administration for
25 payment to counties for county jailer or juvenile detention

1 officer training; for the construction planning,
2 construction, maintenance and operation of the county
3 detention facility, jail or juvenile detention facility; for
4 paying the cost of housing county prisoners or juveniles in
5 any detention facility in the state; for alternatives to
6 incarceration; or for complying with match or contribution
7 requirements for the receipt of federal funds relating to
8 detention facilities, jails or juvenile detention facilities.

9 C. Payments from the local government corrections
10 fund shall be made upon vouchers issued and signed by the
11 local government division of the department of finance and
12 administration upon warrants drawn by the secretary of
13 finance and administration.

14 D. All money received by a county pursuant to this
15 section shall be deposited in a special fund in the county
16 treasury and shall be used solely for:

17 (1) county jailer or juvenile detention
18 officer training;

19 (2) the construction planning, construction,
20 maintenance and operation of the county detention facility,
21 jail or juvenile detention facility;

22 (3) paying the cost of housing county
23 prisoners or juveniles in any detention facility in the
24 state;

25 (4) alternatives to incarceration; or

1 (5) complying with match or contribution
2 requirements for the receipt of federal funds relating to
3 detention facilities, jails or juvenile detention
4 facilities."

5 SECTION 8. Section 34-8A-12 NMSA 1978 (being Laws 1993,
6 Chapter 261, Section 5) is amended to read:

7 "34-8A-12. METROPOLITAN COURT WARRANT ENFORCEMENT
8 FUND--ADMINISTRATION--USE OF MONEY IN FUND.--

9 A. There is created in the state treasury the
10 "metropolitan court warrant enforcement fund" to be
11 administered by the Bernalillo county metropolitan court.
12 The fund consists of gifts, grants, donations, appropriations
13 and distributions to the fund made pursuant to the Tax
14 Administration Act.

15 B. All balances in the metropolitan court warrant
16 enforcement fund are appropriated to the Bernalillo county
17 metropolitan court for the primary purpose of employing
18 personnel and promoting compliance with court orders. After
19 satisfaction of the primary purpose, any money remaining in
20 the fund may, to the extent deemed necessary by the court, be
21 used for the secondary purpose of partially reimbursing law
22 enforcement agencies for the expense of serving bench
23 warrants issued by the court, pursuant to an
24 intergovernmental agreement entered into between the law
25 enforcement agency and the court.

1 C. Payments from the metropolitan court warrant
2 enforcement fund shall be made upon warrants drawn by the
3 secretary of finance and administration pursuant to vouchers
4 issued and signed by the Bernalillo county metropolitan court
5 administrator.

6 D. Any balance remaining in the metropolitan court
7 warrant enforcement fund at the end of a fiscal year shall
8 not revert to the state general fund."

9 **SECTION 9.** Section 34-9-14 NMSA 1978 (being Laws 1998
10 (1st S.S.), Chapter 6, Section 7, as amended) is amended to
11 read:

12 "34-9-14. COURT FACILITIES FUND CREATED--
13 ADMINISTRATION--DISTRIBUTION.--

14 A. The "court facilities fund" is created in the
15 state treasury and shall be administered by the
16 administrative office of the courts. The fund shall consist
17 of court fees and lease and rental revenues transferred to or
18 deposited in the fund, gifts, grants, donations,
19 appropriations and distributions to the fund made pursuant to
20 the Tax Administration Act.

21 B. All court facilities fees and other revenues
22 deposited in the fund shall be distributed monthly to the New
23 Mexico finance authority for deposit in a special bond fund
24 or account of the authority. The New Mexico finance
25 authority may pledge irrevocably all of these distributions

1 to the authority for the payment of principal, interest and
2 any other expenses or obligations related to the bonds issued
3 by the authority for financing the acquisition of real
4 property and for the design, construction, furnishing and
5 equipping of a new court building for the Bernalillo county
6 metropolitan court in Albuquerque and of a parking facility
7 adjacent to the court building.

8 C. Distributions from the court facilities fund to
9 the New Mexico finance authority shall be made upon vouchers
10 issued and signed by the director of the administrative
11 office of the courts upon warrants drawn by the secretary of
12 finance and administration.

13 D. Upon certification by the New Mexico finance
14 authority that all payments of principal, interest and any
15 other expenses or obligations related to the bonds issued by
16 the authority for financing the acquisition of real property
17 and for the design, construction, furnishing and equipping of
18 a new court building for the Bernalillo county metropolitan
19 court in Albuquerque and of a parking facility adjacent to
20 the court building have been satisfied, the court facilities
21 fee shall be eliminated."

22 SECTION 10. Section 34-13-1 NMSA 1978 (being Laws 1993,
23 Chapter 273, Section 1) is amended to read:

24 "34-13-1. JUDICIAL EDUCATION FUND CREATED--
25 ADMINISTRATION--INCOME TO THE FUND.--

1 A. The "judicial education fund" is created in the
2 state treasury and shall be administered by the
3 administrative office of the courts. Money in the fund shall
4 be invested by the state treasurer as provided by law and
5 earnings of the fund shall be credited to the fund.
6 Unexpended or unencumbered balances remaining in the fund at
7 the end of any fiscal year shall not revert.

8 B. Money from the fund may only be expended upon
9 appropriation by the legislature.

10 C. The judicial education fund consists of gifts,
11 grants, donations, appropriations to the fund and
12 distributions to the fund made pursuant to the Tax
13 Administration Act."

14 **SECTION 11.** Section 34-16-1 NMSA 1978 (being Laws 2009,
15 Chapter 244, Section 2) is amended to read:

16 "34-16-1. JUVENILE ADJUDICATION FUND CREATED.--The
17 "juvenile adjudication fund" is created in the state treasury
18 to provide an alternative procedure of adjudication for
19 juveniles charged with misdemeanor offenses to help alleviate
20 the docket of the juvenile judicial system. The fund
21 consists of gifts, grants, donations, appropriations and
22 distributions to the fund made pursuant to the Tax
23 Administration Act. Money in the fund at the end of a fiscal
24 year shall not revert to any other fund. The department of
25 finance and administration shall administer the fund, and

1 money in the fund is appropriated to the department of
2 finance and administration to administer the fund and to
3 provide an alternative adjudication process for juveniles
4 charged with traffic offenses and other misdemeanors. Money
5 expended to administer the fund shall not exceed five percent
6 of the money credited to the fund in each fiscal year.
7 Disbursements from the fund shall be made by warrant of the
8 secretary of finance and administration pursuant to vouchers
9 signed by the secretary or the secretary's authorized
10 representative."

11 SECTION 12. Section 35-6-1 NMSA 1978 (being Laws 1968,
12 Chapter 62, Section 92, as amended) is amended to read:

13 "35-6-1. MAGISTRATE COSTS--SCHEDULE.--

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

17 docket fee, twenty dollars (\$20.00) of which shall be
18 deposited in the court automation fund and fifteen
19 dollars (\$15.00) of which shall be deposited in the
20 civil legal services fund, to be collected prior to
21 docketing any civil action, except as provided in
22 Subsection A of Section 35-6-3 NMSA 1978 72.00; and
23 jury fee, to be collected from the party demanding
24 trial by jury in any civil action at the time the
25 demand is filed or made. 25.00.

1 copying fee, for making and certifying copies of any
2 records in the court, for each page copied by
3 photographic process 0.50.

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

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

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

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

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

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

23 D. Metropolitan court judges shall assess and
24 collect and shall not waive, defer or suspend as costs a
25 mediation fee not to exceed five dollars (\$5.00) for the

1 docketing of small claims and criminal actions specified by
2 metropolitan court rule. Proceeds of the mediation fee shall
3 be deposited into the metropolitan court mediation fund."

4 SECTION 13. Section 35-6-3 NMSA 1978 (being Laws 1968,
5 Chapter 62, Section 94, as amended) is amended to read:

6 "35-6-3. MAGISTRATE COSTS--ADVANCE PAYMENT.--Except for
7 parties granted free process because of indigency, any party
8 filing any civil action or requesting services from the
9 magistrate court shall pay in advance the costs required by
10 law to be collected by magistrates."

11 SECTION 14. Section 35-6-4 NMSA 1978 (being Laws 1968,
12 Chapter 62, Section 95, as amended) is amended to read:

13 "35-6-4. MAGISTRATE COSTS--WITNESS FEES--
14 REIMBURSEMENT.--If the plaintiff prevails in a civil action
15 in the magistrate court, the amount of costs collected by the
16 magistrate in the action shall be added to the judgment
17 entered against the defendant. Fees actually paid by the
18 prevailing party in a civil action in the magistrate court
19 for service of the complaint and summons and for service of
20 subpoenas shall be taxed against the losing party. Witness
21 fees as provided by law for proceedings in the district
22 courts shall be taxed against the losing party in the action,
23 subject to the limitations of the Rules of Civil Procedure
24 for the Magistrate Courts."

25 SECTION 15. Section 35-6-5 NMSA 1978 (being Laws 1993,

1 Chapter 261, Section 7) is amended to read:

2 "35-6-5. MAGISTRATE COURT WARRANT ENFORCEMENT FUND--
3 ADMINISTRATION--USE OF MONEY IN FUND.--

4 A. There is created in the state treasury the
5 "magistrate court warrant enforcement fund" to be
6 administered by the administrative office of the courts. The
7 fund consists of gifts, grants, donations, appropriations and
8 distributions to the fund made pursuant to the Tax
9 Administration Act.

10 B. All balances in the magistrate court warrant
11 enforcement fund are appropriated to the administrative
12 office of the courts for the primary purpose of employing
13 personnel and promoting compliance with court orders. After
14 satisfaction of the primary purpose, any money remaining in
15 the fund may, to the extent deemed necessary by the director
16 of the administrative office of the courts, be used for the
17 secondary purpose of partially reimbursing law enforcement
18 agencies for the expense of serving bench warrants issued by
19 the magistrate courts, pursuant to an intergovernmental
20 agreement entered into between the law enforcement agency and
21 the administrative office of the courts.

22 C. Payments from the magistrate court warrant
23 enforcement fund shall be made upon warrants drawn by the
24 secretary of finance and administration pursuant to vouchers
25 issued and signed by the director of the administrative

1 office of the courts.

2 D. Any balance remaining in the magistrate court
3 warrant enforcement fund at the end of a fiscal year shall
4 not revert to the state general fund."

5 SECTION 16. Section 35-7-4 NMSA 1978 (being Laws 1968,
6 Chapter 62, Section 99, as amended) is amended to read:

7 "35-7-4. MAGISTRATE ADMINISTRATION--MONTHLY
8 REMITTANCES.--Each magistrate court shall pay to the
9 administrative office of the courts, not later than the date
10 each month established by regulation of the director of the
11 administrative office, the amount of all fines, forfeitures
12 and costs collected by the court during the previous month,
13 except for amounts disbursed in accordance with law. The
14 administrative office shall return to each magistrate court a
15 written receipt itemizing all money received. The
16 administrative office shall deposit the amount of all fines
17 and forfeitures with the state treasurer for credit to the
18 current school fund. The administrative office shall deposit
19 the amount of all costs assessed prior to July 1, 2024 and
20 collected on or after July 1, 2024, except all costs
21 collected pursuant to Subsection E of Section 35-6-1 NMSA
22 1978, for credit to the general fund. The amount of all
23 costs collected pursuant to Subsection E of Section 35-6-1
24 NMSA 1978 shall be credited to the metropolitan court
25 mediation fund."

1 SECTION 17. Section 35-14-1 NMSA 1978 (being Laws 1961,
2 Chapter 208, Section 1, as amended) is amended to read:

3 "35-14-1. MUNICIPAL COURT--CREATION.--

4 A. Except for municipalities with a population of
5 fewer than two thousand five hundred or more than five
6 thousand persons in the most recent federal decennial census
7 lying within the boundaries of a class A county with a
8 population of more than two hundred thousand persons in the
9 most recent federal decennial census and municipalities that
10 have adopted an effective ordinance pursuant to Subsection D
11 of this section, there is established a municipal court in
12 each incorporated municipality. The municipal courts shall
13 be presided over by municipal judges. As used in Chapter 35,
14 Articles 14 and 15 NMSA 1978, "municipality" includes H class
15 counties.

16 B. The governing body of a municipality that is
17 not governed by home rule, territorial or special charter and
18 having a population fewer than ten thousand persons in the
19 most recent federal decennial census, where the municipal
20 court is located twenty-five or fewer miles from the nearest
21 magistrate court, may by resolution express its intent to
22 designate the magistrate court of the county in which the
23 municipality is located as the court having jurisdiction over
24 municipal ordinances. Within fifteen days from the adoption
25 of a resolution pursuant to this section, the governing body

1 of the municipality shall create a "municipal ordinance
2 jurisdiction advisory committee". The municipal ordinance
3 jurisdiction advisory committee shall be composed of the
4 following members, who shall be residents of the
5 municipality:

- 6 (1) the mayor;
- 7 (2) a member of the governing body;
- 8 (3) a municipal judge;
- 9 (4) the chief of police; and
- 10 (5) three members of the public, each
11 selected by the mayor, the governing body and the municipal
12 judge.

13 C. A municipal ordinance jurisdiction advisory
14 committee shall:

15 (1) hold at least one public hearing on the
16 question of designating the magistrate court of the county in
17 which the municipality is located as the court having
18 jurisdiction over municipal ordinances;

19 (2) hear testimony from all interested
20 persons, including the mayor, the governing body and the
21 municipal judge; and

22 (3) submit a report, including
23 recommendations directly to the governing body of the
24 municipality, with copies to the mayor and municipal judge.

25 D. Following receipt of a report from the

1 municipal ordinance jurisdiction advisory committee, the
2 governing body of a municipality may, subject to approval by
3 the supreme court, adopt an ordinance upon a three-fourths'
4 majority vote to designate the magistrate court of the county
5 in which the municipality is located as the court having
6 jurisdiction over municipal ordinances. An ordinance adopted
7 shall become effective only upon supreme court approval and
8 the expiration of the term of the municipal judge in office
9 on the date of the supreme court's approval of the ordinance.

10 E. Within five days after the effective date of an
11 ordinance adopted pursuant to Subsection D of this section,
12 the governing body of the municipality shall:

13 (1) forward a copy of the ordinance to the
14 magistrate court and to the administrative office of the
15 courts; and

16 (2) provide to the magistrate court copies
17 of all municipal ordinances over which the magistrate court
18 will have jurisdiction.

19 F. A magistrate court designated pursuant to
20 Subsection D of this section shall, with respect to
21 ordinances of the municipality:

22 (1) follow the rules of procedure for the
23 municipal courts and the procedures provided by Chapter 35,
24 Article 15 NMSA 1978; and

25 (2) impose no fine or sentence greater than

1 that permitted for municipalities.

2 G. Any municipality that has passed an ordinance
3 designating the magistrate court of the county in which the
4 municipality is located as the court having jurisdiction over
5 municipal ordinances may re-establish the municipal court as
6 the court having jurisdiction over municipal ordinances
7 through the following procedures:

8 (1) the governing body of the municipality
9 may pass an ordinance rescinding the designation that was
10 made pursuant to Subsection B of this section; or

11 (2) following receipt of a petition signed
12 by at least twenty percent of the registered voters who voted
13 in the last municipal election for the office of mayor:

14 (a) convene a municipal ordinance
15 jurisdiction advisory committee pursuant to Subsection B of
16 this section that shall make a report and recommendation, if
17 any, to the governing body of the municipality; and

18 (b) the governing body shall indicate
19 its assent to re-establishment of the municipal court by
20 ordinance.

21 H. After July 1, 2024, no court shall assess post-
22 adjudication fees previously authorized by statute and now
23 repealed."

24 SECTION 18. Section 66-8-119 NMSA 1978 (being Laws
25 1968, Chapter 62, Section 159, as amended) is amended to

1 read:

2 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

3 A. The division shall remit all penalty assessment
4 receipts to the state treasurer for credit to the general
5 fund.

6 B. The division shall remit all penalty assessment
7 fee receipts assessed prior to July 1, 2024 and collected on
8 or after July 1, 2024 to the state treasurer for credit to
9 the general fund."

10 SECTION 19. REPEAL.--Sections 31-12-6 through 31-12-8,
11 31-12-11, 31-12-13, 35-14-11 and 66-8-116.3 NMSA 1978 (being
12 Laws 1858-1859, p. 30; Laws 1981, Chapter 367, Sections 1 and
13 2; Laws 2003, Chapter 387, Section 1; Laws 2015, Chapter 10,
14 Section 3; Laws 1983, Chapter 134, Section 6; and Laws 1989,
15 Chapter 318, Section 35, as amended) are repealed.

16 SECTION 20. EFFECTIVE DATE.--

17 A. The effective date of the provisions of
18 Sections 1, 5 and 6 of this act is June 16, 2023.

19 B. The effective date of the provisions of
20 Sections 2 through 4 and 7 through 19 of this act is July 1,
21 2024.

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