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HOUSE BILL 688  
42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996  
INTRODUCED BY  
DANIEL P. SILVA

AN ACT  
RELATING TO SERVICE OF PROCESS; INCREASING CERTAIN FEES FOR  
SERVICE OF PROCESS.

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

Section 1. Section 4-41-16 NMSA 1978 (being Laws 1895,  
Chapter 35, Section 1, as amended) is amended to read:

"4-41-16. FEES--ATTENDANCE ON COURTS--SESSIONS OF COUNTY  
COMMISSIONERS--HEARING BEFORE JUDGES.--

A. The sheriffs of this state shall be allowed,  
except from the state or any state agency, the following fees  
and compensations:

(1) for serving every writ, citation, order,  
subpoena or summons, not more than [~~fifteen dollars (\$15.00)~~]  
thirty dollars (\$30.00)

(2) for every writ of habeas corpus or attachment for

1 each defendant, six dollars (\$6.00);

2 (3) for taking and returning every bond  
3 required by law, five dollars (\$5.00);

4 (4) for levying every execution and return of  
5 same, six dollars (\$6.00);

6 (5) for making, executing and delivering every  
7 sheriff's deed, to be paid by the purchaser, six dollars  
8 (\$6.00);

9 (6) for every return of non est inventus, fifty  
10 cents (\$.50); ~~[or]~~ and

11 (7) for making every return of any process,  
12 order, summons, citation or decree of any court, two dollars  
13 (\$2.00).

14 No sheriff shall collect more than one of the fees listed  
15 in this subsection, regardless of how many documents may be  
16 served upon one or more individuals, when those documents are  
17 served at the same time and at the same location.

18 B. In the service of any subpoena or summons for  
19 witnesses, the sheriff shall be allowed compensation of one  
20 dollar (\$1.00) for each of the witnesses so summoned by the  
21 sheriff, notwithstanding that the name of such witness may  
22 appear in but one copy of the subpoena or summons.

23 C. It is the duty of the sheriffs of the state to  
24 attend:

25 (1) the sessions of every district court, which

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1 attendance shall be paid in the manner now provided by law;

2 (2) all sessions of the probate court and  
3 sessions of the boards of county commissioners, which attendance  
4 shall be paid sheriffs out of the general county funds of the  
5 county in which the services were rendered; and

6 (3) at the trial or hearing before magistrates  
7 in felony cases, where the arrest is made by the sheriff, either  
8 with or without a warrant, which attendance shall be paid as  
9 provided in this section out of the general county funds; but  
10 such sheriffs shall not be allowed any compensation for  
11 attending at the trial of any misdemeanor case before any  
12 magistrate unless a sheriff made the arrest in such misdemeanor  
13 case. "

**State of New Mexico**  
**House of Representatives**

**FORTY-SECOND LEGISLATURE**  
**SECOND SESSION, 1996**

February 5, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 688

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

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Cisco McSorley, Chairman

FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Pederson, Sanchez, R. G.

Absent: Baca, Larranaga

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# State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 7, 1996

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred

HOUSE BILL 688

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

---

Max Coll, Chairman

FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Bird, Casey, Coll, Gentry, Picraux, Townsend, Watchman

Absent: None

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 12, 1996

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 688

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
FINANCE COMMITTEE.

Respectfully submitted,

\_\_\_\_\_  
Janice D. Paster, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: None

Absent: Carraro, Scott, Vernon

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 14, 1996

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 688

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

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FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

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Date \_\_\_\_\_

The roll call vote was 8 For 0 Against  
Yes: 8  
No: 0  
Excused: Donisthorpe, Duran, Ingle, Kidd, Kysar  
Absent: None

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