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HOUSE BILL 737

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

LEO C. WATCHMAN, JR.

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING COMPENSATION FOR
ENFORCEMENT OF STATE LAWS ON TRIBAL LANDS; DECLARING AN
EMERGENCY.

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. Each magistrate, including metropolitan court
judges, shall collect the following costs:

(1) Docket fee, criminal actions under Section
29-5-1 NMSA 1978. \$ 1.00;

(2) Docket fee, to be collected prior to
docketing any other criminal action, except as provided in

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1 Subsection B of Section 35-6-3 NMSA 1978 20.00;

2 (3) Docket fee, to be collected prior to
3 docketing any civil action, except as provided in Subsection A
4 of Section 35-6-3 NMSA 1978..... 37.00;

5 (4) Jury fee, to be collected from the party
6 demanding trial by jury in any civil action at the time the
7 demand is filed or made..... 25.00;

8 (5) Copying fee, for making and certifying
9 copies of any records in the court, for each page copied by
10 photographic process 50;

11 and

12 (6) Copying fee, for computer-generated or
13 electronically transferred copies, per page 1.00.

14 Proceeds from this copying fee shall be transferred to the
15 administrative office of the courts for deposit in the court
16 automation fund. Except as otherwise specifically provided
17 by law, docket fees shall be paid into the general fund.

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

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

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1 action.

2 D. As used in this subsection, "convicted" means
3 the defendant has been found guilty of a criminal charge by the
4 magistrate or metropolitan judge either after trial, a plea of
5 guilty or a plea of nolo contendere. Each magistrate,
6 including metropolitan court judges, shall collect the
7 following costs:

8 (1) corrections fee, to be collected upon
9 conviction from persons convicted of violating any provision of
10 the Motor Vehicle Code involving the operation of a motor
11 vehicle, convicted of a crime constituting a misdemeanor or a
12 petty misdemeanor or convicted of violating any ordinance that
13 may be enforced by the imposition of a term of
14 imprisonment..... \$10.00;

15 (2) court automation fee, to be collected
16 upon conviction from persons convicted of violating any
17 provision of the Motor Vehicle Code involving the operation of
18 a motor vehicle 3.00;

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

23 [and]

24 (4) judicial education fee, to be collected
25 upon conviction from persons convicted of operating a motor

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1 vehicle in violation of the Motor Vehicle Code, convicted of a
2 crime constituting a misdemeanor or a petty misdemeanor or
3 convicted of violating any ordinance punishable by a term of
4 imprisonment..... 1.00;

5 and

6 (5) intergovernmental enforcement fee, to be
7 collected upon conviction from persons convicted of operating a
8 motor vehicle in violation of the Motor Vehicle Code, convicted
9 of a crime constituting a misdemeanor or a petty misdemeanor or
10 convicted of violating any ordinance punishable by a term of
11 imprisonment..... 2.00.

12 E. Metropolitan court judges shall collect as costs
13 a mediation fee not to exceed five dollars (\$5.00) for the
14 docketing of small claims and criminal actions specified by
15 metropolitan court rule. Proceeds of the mediation fee shall
16 be deposited into the metropolitan court mediation fund."

17 Section 2. Section 35-7-4 NMSA 1978 (being Laws 1968,
18 Chapter 62, Section 99, as amended) is amended to read:

19 "35-7-4. MAGISTRATE ADMINISTRATION-- MONTHLY
20 REMITTANCES.--Each magistrate court shall pay to the
21 administrative office of the courts, not later than the date
22 each month established by regulation of the director of the
23 administrative office, the amount of all fines, forfeitures and
24 costs collected by him during the previous month, except for
25 amounts disbursed in accordance with law. The administrative

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1 office shall return to each magistrate a written receipt
2 itemizing all money received. The administrative office shall
3 deposit the amount of all fines and forfeitures with the state
4 treasurer for credit to the current school fund. The
5 administrative office shall deposit the amount of all costs,
6 except all costs collected pursuant to Subsections D and E of
7 Section 35-6-1 NMSA 1978, for credit to the general fund. The
8 amount of all costs collected pursuant to Subsections D and E
9 of Section 35-6-1 NMSA 1978 shall be credited as follows:

10 A. the amount of all costs collected pursuant to
11 Paragraph (1) of Subsection D of Section 35-6-1 NMSA 1978 for
12 credit to the local government corrections fund;

13 B. the amount of all costs collected pursuant to
14 Paragraph (2) of Subsection D of Section 35-6-1 NMSA 1978 for
15 credit to the court automation fund;

16 C. the amount of all costs collected pursuant to
17 Paragraph (3) of Subsection D of Section 35-6-1 NMSA 1978 for
18 credit to the traffic safety education and enforcement fund;

19 D. the amount of all costs collected pursuant to
20 Paragraph (4) of Subsection D of Section 35-6-1 NMSA 1978 for
21 credit to the judicial education fund; [~~and~~]

22 E. the amount of all costs collected pursuant to
23 Paragraph (5) of Subsection D of Section 35-6-1 NMSA 1978 for
24 credit to the intergovernmental law enforcement fund; and

25 [~~E.~~] F. the amount of all costs collected pursuant

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1 to Subsection E of Section 35-6-1 NMSA 1978 for credit to the
2 metropolitan court mediation fund."

3 Section 3. Section 66-8-116.3 NMSA 1978 (being Laws
4 1989, Chapter 320, Section 5, as amended) is amended to read:

5 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS-- ADDITIONAL
6 FEES.-- In addition to the penalty assessment established for
7 each penalty assessment misdemeanor, there shall be assessed:

8 A. ten dollars (\$10.00) to help defray the costs of
9 local government corrections;

10 B. a court automation fee of three dollars (\$3.00);

11 C. a traffic safety fee of three dollars (\$3.00),

12 which shall be credited to the traffic safety education and
13 enforcement fund; ~~and~~

14 D. a judicial education fee of one dollar (\$1.00),
15 which shall be credited to the judicial education fund; and

16 E. an intergovernmental enforcement fee of two
17 dollars (\$2.00) to defray the costs of enforcement of state law
18 as it pertains to non-Indians in Indian country by police
19 departments of Indian nations, tribes and pueblos."

20 Section 4. [NEW MATERIAL] INTERGOVERNMENTAL LAW
21 ENFORCEMENT FUND-- CREATED-- ADMINISTRATION-- DISTRIBUTION.--

22 A. There is created in the state treasury the
23 "intergovernmental law enforcement fund" to be administered by
24 the local government division of the department of finance and
25 administration.

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1 B. All balances in the fund are appropriated to the
2 local government division of the department of finance and
3 administration for payment to the police departments of tribal
4 governments located in the state to defray the costs of those
5 police departments enforcing state law as it pertains to
6 persons in Indian country.

7 C. Beginning July 1, 1996, and for each quarter
8 thereafter, the police department of a tribal government shall
9 maintain records documenting the officer-hours expended in
10 state court appearances on behalf of the state, investigating
11 violations of state law committed by non-Indians or cooperating
12 with state police or local government peace officers at the
13 request of the non-Indian law enforcement department. This
14 documentation shall be submitted to the local government
15 division of the department of finance and administration within
16 fifteen days following the last day of the quarter from which
17 the data for the record was compiled. The tribal police chief
18 shall certify that the documented officer-hours submitted are
19 true and accurate. Disbursements shall be made by the division
20 by the last day of the month following the end of each quarter.

21 D. To determine the distribution schedule from the
22 fund for any quarter the local government division of the
23 department of finance and administration shall:

24 (1) calculate the percentage of the total
25 amount of money in the fund that a police department of a

1 tribal government should receive in any quarter by dividing the
2 total number of officer-hours submitted in that quarter by a
3 tribal government by the total number of officer-hours
4 submitted by all the tribal governments for that quarter; and

5 (2) determine the disbursement to be made
6 from the fund to any one tribal government by multiplying the
7 amount of money in the fund on the last day of the quarter by
8 the percentage determined in Paragraph (1) of this subsection
9 for each tribal government.

10 E. Payments from the fund shall be made upon
11 vouchers issued and signed by the secretary of finance and
12 administration.

13 F. As used in this section:

14 (1) "fund" means the intergovernmental law
15 enforcement fund; and

16 (2) "tribal government" means an Indian
17 nation, tribe or pueblo located in New Mexico.

18 Section 5. EMERGENCY.--It is necessary for the public
19 peace, health and safety that this act take effect immediately.

State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE

SECOND SESSION, 1996

February 2, 1996

Mr. Speaker:

Your RULES AND ORDER OF BUSINESS COMMITTEE, to
whom has been referred

HOUSE BILL 737

has had it under consideration and finds same to be
GERMANE in accordance with constitutional provisions.

Respectfully submitted,

Barbara A. Perea Casey,

Chairperson

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

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4 The roll call vote was 8 For 0 Against

5 Yes: 8

6 Excused: Nicely, Olguin, Pederson, Picraux, Rodella,

7 J. G. Taylor, Wallach

8 Absent: None

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State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 10, 1996

Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE,
to whom has been referred

HOUSE BILL 737

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

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

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: None

Absent: None

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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 737

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

Respectfully submitted,

Ben D. Altamirano, Chairman

Adopted _____ Not

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____

(Chief Clerk)

(Chief Clerk)

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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State of New Mexico House of Representatives

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

February 13, 1996

Mr. Speaker:

**Your JUDICIARY COMMITTEE, to whom has been
referred**

HOUSE BILL 737

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

Respectfully submitted,

Cisco McSorley, Chairman

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: McSorley, Sanchez, R. G.

Absent: Baca, King, Luna

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