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HOUSE BILL 12

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Nick Salazar

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO COUNTIES; ESTABLISHING A RATE OF REIMBURSEMENT TO
COUNTIES FOR EXPENSES INCURRED WHEN COUNTIES EXTRADITE,
TRANSPORT AND FEED STATE PRISONERS; AMENDING SECTIONS OF THE
NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 4-44-18 NMSA 1978 (being Laws 1961,
Chapter 253, Section 4, as amended) is amended to read:

"4-44-18. SHERIFFS, DEPUTY SHERIFFS AND GUARDS--
EXPENSES INCURRED IN SERVING PROCESS AND CERTAIN OTHER
OFFICIAL BUSINESS--PER DIEM.--

A. Sheriffs, their deputies and guards shall be
paid per diem expenses at the rate authorized in the Per Diem
and Mileage Act by the counties on behalf of which expenses
are incurred in:

- (1) service of criminal process issued out

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1 of the supreme court or district court;

2 (2) service of criminal process issued out
3 of a magistrate court when the issuance is approved in
4 writing by the district attorney or his assistants;

5 (3) service of civil process issued by the
6 district court; and

7 (4) attempting to discover or arrest a
8 person charged with a felony if written authorization is
9 obtained from the district judge.

10 B. Expenses authorized ~~[under]~~ pursuant to this
11 section shall be paid on the rendition of sworn accounts
12 filed in the county clerk's office and approved by the board
13 of county commissioners and the district judge.

14 C. Sheriffs, their deputies and guards shall be
15 paid per diem and mileage expenses at the rate authorized in
16 the Per Diem and Mileage Act for extraditing prisoners from
17 without the state and for transporting persons committed by a
18 court to any state institution or required to be returned by
19 order of the court from any state institution to the county
20 of commitment. The county ~~[may]~~ shall be reimbursed by the
21 state for ~~[the]~~ seventy-five percent of the costs for per
22 diem, ~~[and]~~ mileage and other necessary travel expenses
23 incurred ~~[under]~~ pursuant to this subsection by submitting
24 claims for reimbursement to the department of finance and
25 administration in accordance with the department's
regulations. Notwithstanding the provisions of this
subsection, a single county shall not receive more than fifty

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1 percent of the total amount of money allocated to all
2 counties as reimbursement."

3 Section 2. Section 4-44-20 NMSA 1978 (being Laws 1961,
4 Chapter 253, Section 8, as amended) is amended to read:

5 "4-44-20. PRISONERS--FEEDING IN TRANSIT.--

6 A. The county sheriffs shall be reimbursed for the
7 actual expense incurred for the care and feeding of prisoners
8 in transit. No reimbursement shall be made ~~[under]~~ pursuant
9 to this section without proof of actual expenses incurred by
10 a sheriff or his delegate. In no event shall the
11 reimbursement for any prisoner exceed the rate set by the Per
12 Diem and Mileage Act.

13 B. A county shall be reimbursed by the state for
14 seventy-five percent of the actual expenses incurred for the
15 care and feeding of prisoners in transit. Notwithstanding
16 the provisions of this subsection, a single county shall not
17 receive more than fifty percent of the total amount of money
18 allocated to all counties as reimbursement."

19 Section 3. APPROPRIATION.--Seven hundred fifty thousand
20 dollars (\$750,000) is appropriated from the general fund to
21 the local government division of the department of finance
22 and administration for expenditure in fiscal year 2001 for
23 the purpose of reimbursing counties for the expense of
24 extraditing, transporting and feeding state prisoners. Any
25 unexpended or unencumbered balance remaining at the end of
fiscal year 2001 shall revert to the general fund.

Section 4. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2000.

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