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**HOUSE BILL 433**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Joseph M Thompson**

**FOR THE COURTS AND CRIMINAL JUSTICE COMMITTEE**

**AND**

**THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**AN ACT**

**RELATING TO COURTS; CREATING AN ADDITIONAL JUDGESHIP IN THE  
BERNALILLO COUNTY METROPOLITAN COURT; ESTABLISHING AND  
EXPANDING DRUG COURT PROGRAMS IN THE SECOND, THIRD, FOURTH,  
FIFTH, SIXTH, EIGHTH, NINTH, ELEVENTH, TWELFTH AND THIRTEENTH  
JUDICIAL DISTRICTS AND IN THE BERNALILLO COUNTY METROPOLITAN  
COURT; PROVIDING ADDITIONAL RESOURCES FOR DISTRICT ATTORNEYS  
AND PUBLIC DEFENDERS; AMENDING A SECTION OF THE NMSA 1978;  
MAKING APPROPRIATIONS.**

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

**Section 1. Section 34-8A-4.1 NMSA 1978 (being Laws 1981,  
Chapter 318, Section 2, as amended) is amended to read:**

**"34-8A-4.1. METROPOLITAN COURT JUDGES--TERMS OF  
OFFICE-- ELECTION. --**

**A. The elected term of office for each judge of**

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1 the metropolitan court is four years.

2 B. Any person appointed to fill a vacancy on the  
3 metropolitan court after January 1, 1989 shall serve until the  
4 next general election. That person's successor shall be  
5 chosen at that general election and shall hold the office  
6 until the general election four years later.

7 C. Judges of the Bernalillo county metropolitan  
8 court for divisions thirteen, fourteen and fifteen shall be  
9 appointed and shall serve until the 1992 general election.  
10 Their successors shall be chosen at that general election and  
11 shall hold office until the general election four years later.  
12 Additional judges shall be appointed and elected pursuant to  
13 Article 6 of the constitution of New Mexico.

14 D. A judge of the Bernalillo county metropolitan  
15 court for division sixteen shall be appointed and shall serve  
16 until the 2000 general election. His successor shall be  
17 chosen at that general election and shall hold office until  
18 the general election four years later.

19 E. A judge of the Bernalillo county metropolitan  
20 court for division seventeen shall be appointed and shall  
21 serve until the 2002 general election. His successor shall be  
22 chosen at that general election and shall hold office until  
23 the general election four years later."

24 Section 2. TEMPORARY PROVISION--BERNALILLO COUNTY  
25 METROPOLITAN COURT--DRUG COURT.--The additional Bernalillo

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1 county metropolitan court judgeship provided for in Section 1  
2 of this act shall preside over the operation of a drug court.

3 Section 3. TEMPORARY PROVISION-- APPOINTMENT. -- The  
4 additional Bernalillo county metropolitan court judgeship  
5 provided for in Section 1 of this act shall be filled by the  
6 governor pursuant to the provisions of Article 6 of the  
7 constitution of New Mexico for a term beginning July 1, 2001.

8 Section 4. APPROPRIATIONS. --

9 A. The following amounts are appropriated from the  
10 general fund to the following agencies for expenditure in  
11 fiscal year 2002 for the purpose of expanding an adult drug  
12 court program in the second judicial district:

13 (1) four hundred fourteen thousand eight  
14 hundred dollars (\$414,800) to the second judicial district  
15 court for contractual services, supplies and equipment and to  
16 provide a salary and benefits for a clerk;

17 (2) thirty-five thousand dollars (\$35,000) to  
18 the second judicial district attorney to provide a salary and  
19 benefits for a paralegal; and

20 (3) thirty-five thousand dollars (\$35,000) to  
21 the public defender department to provide a salary and  
22 benefits, supplies, furniture and office equipment for a  
23 social worker due to increased workload in the second judicial  
24 district court.

25 B. One hundred one thousand dollars (\$101,000) is

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1 appropriated from the general fund to the second judicial  
2 district court for expenditure in fiscal year 2002 for  
3 contractual services, supplies and equipment for the purpose  
4 of establishing a dependency drug court program and to provide  
5 a salary and benefits for an administrative assistant.

6 C. The following amounts are appropriated from the  
7 general fund to the following agencies for expenditure in  
8 fiscal year 2002 for the purpose of expanding an adult drug  
9 court program in the third judicial district:

10 (1) one hundred twenty-one thousand six  
11 hundred dollars (\$121,600) to the third judicial district  
12 court for contractual services, supplies and equipment and to  
13 provide salaries and benefits for a program director and a  
14 secretary; and

15 (2) forty thousand one hundred dollars  
16 (\$40,100) to the public defender department to provide a  
17 salary and benefits, supplies, furniture and office equipment  
18 for a paralegal due to increased workload in the third  
19 judicial district court.

20 D. One hundred thirty-eight thousand four hundred  
21 dollars (\$138,400) is appropriated from the general fund to  
22 the third judicial district court for expenditure in fiscal  
23 year 2002 for contractual services, supplies and equipment for  
24 the purpose of establishing a dependency drug court program  
25 and to provide salaries and benefits for a secretary and a

1 surveillance officer.

2 E. The following amounts are appropriated from the  
3 general fund to the following agencies for expenditure in  
4 fiscal year 2002 for the purpose of establishing a juvenile  
5 drug court program in the fourth judicial district:

6 (1) one hundred two thousand three hundred  
7 dollars (\$102,300) to the fourth judicial district court for  
8 contractual services, supplies and equipment and to provide  
9 salaries and benefits for a part-time program director and a  
10 part-time administrative assistant;

11 (2) twenty-five thousand dollars (\$25,000) to  
12 the children, youth and families department to provide a  
13 salary and benefits for a half-time juvenile probation  
14 officer; and

15 (3) twenty thousand dollars (\$20,000) to the  
16 public defender department to pay for contract counsel costs  
17 associated with increased workload in the fourth judicial  
18 district court.

19 F. The following amounts are appropriated from the  
20 general fund to the following agencies for expenditure in  
21 fiscal year 2002 for the purpose of establishing a juvenile  
22 drug court program in the fifth judicial district:

23 (1) ninety-seven thousand six hundred dollars  
24 (\$97,600) to the fifth judicial district court for contractual  
25 services, supplies and equipment and to provide salaries and

1 benefits for a part-time program director and a part-time  
2 administrative assistant;

3 (2) twenty-five thousand one hundred dollars  
4 (\$25,100) to the children, youth and families department to  
5 provide a salary and benefits for a half-time juvenile  
6 probation officer; and

7 (3) twenty-five thousand dollars (\$25,000) to  
8 the public defender department to provide a salary and  
9 benefits for a public defender attorney due to increased  
10 workload in the fifth judicial district court.

11 G. The following amounts are appropriated from the  
12 general fund to the following agencies for expenditure in  
13 fiscal year 2002 for the purpose of establishing a dependency  
14 drug court program in the fifth judicial district:

15 (1) ninety-seven thousand two hundred dollars  
16 (\$97,200) to the fifth judicial district court for contractual  
17 services, supplies and equipment and to provide salaries and  
18 benefits for a part-time program director and an  
19 administrative assistant; and

20 (2) ten thousand dollars (\$10,000) to the  
21 institute for social research at the university of New Mexico  
22 for an evaluation of the dependency drug court program.

23 H. The following amounts are appropriated from the  
24 general fund to the following agencies for expenditure in  
25 fiscal year 2002 for the purpose of establishing an adult drug

1 court program in the sixth judicial district:

2 (1) one hundred fifty-three thousand three  
3 hundred dollars (\$153,300) to the sixth judicial district  
4 court for contractual services, supplies and equipment and to  
5 provide a salary and benefits for a program director; and

6 (2) thirty-five thousand five hundred dollars  
7 (\$35,500) to the public defender department to pay for  
8 contract counsel costs due to increased workload in the sixth  
9 judicial district court.

10 I. Fifty-one thousand dollars (\$51,000) is  
11 appropriated from the general fund to the sixth judicial  
12 district court for expenditure in fiscal year 2002 for  
13 contractual services, supplies and equipment for the purpose  
14 of expanding the juvenile drug court program and to provide a  
15 salary and benefits for an additional surveillance officer.

16 J. Two hundred ninety-seven thousand two hundred  
17 dollars (\$297,200) is appropriated from the general fund to  
18 the eighth judicial district court for expenditure in fiscal  
19 year 2002 for contractual services, supplies and equipment for  
20 the purpose of expanding the adult drug court program and to  
21 provide salaries and benefits for a half-time coordinator and  
22 a one-tenth time special master.

23 K. The following amounts are appropriated from the  
24 general fund to the following agencies for expenditure in  
25 fiscal year 2002 for the purpose of establishing a juvenile

1 drug court program in the ninth judicial district:

2 (1) one hundred ten thousand seven hundred  
3 dollars (\$110,700) to the ninth judicial district court for  
4 contractual services, supplies and equipment and to provide a  
5 salary and benefits for a program director; and

6 (2) forty thousand dollars (\$40,000) to the  
7 public defender department to provide a salary and benefits,  
8 supplies, furniture and office equipment for a paralegal due  
9 to increased workload in the ninth judicial district court.

10 L. One hundred thousand dollars (\$100,000) is  
11 appropriated from the general fund to the eleventh judicial  
12 district court for expenditure in fiscal year 2002 for  
13 contractual services, supplies and equipment for the purpose  
14 of expanding the adult drug court program.

15 M. One hundred forty-three thousand seven hundred  
16 dollars (\$143,700) is appropriated from the general fund to  
17 the eleventh judicial district court for expenditure in fiscal  
18 year 2002 for contractual services, supplies and equipment for  
19 the purpose of establishing a juvenile drug court program and  
20 to provide salaries and benefits for a probation officer and a  
21 secretary.

22 N. One hundred seventy-five thousand two hundred  
23 dollars (\$175,200) is appropriated from the general fund to  
24 the twelfth judicial district court for expenditure in fiscal  
25 year 2002 for contractual services, supplies and equipment for



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1 the purpose of establishing an adult drug court program and to  
2 provide salaries and benefits for a program director and a  
3 secretary.

4 0. The following amounts are appropriated from the  
5 general fund to the following agencies for expenditure in  
6 fiscal year 2002 for the purpose of expanding the juvenile  
7 drug court program in the thirteenth judicial district:

8 (1) two hundred ninety thousand dollars  
9 (\$290,000) to the thirteenth judicial district court for  
10 contractual services, supplies and equipment and to provide  
11 salaries and benefits for a coordinator, an administrative  
12 assistant and a surveillance officer; and

13 (2) thirty thousand dollars (\$30,000) to the  
14 public defender department to pay for contract counsel costs  
15 associated with increased workload in the thirteenth judicial  
16 district court.

17 P. The following amounts are appropriated from the  
18 general fund to the following agencies for expenditure in  
19 fiscal year 2002 for the purpose of expanding the DWI adult  
20 drug court program in the Bernalillo county metropolitan  
21 court:

22 (1) one million eight hundred fifty-eight  
23 thousand two hundred dollars (\$1,858,200) to the Bernalillo  
24 county metropolitan court for contractual services, supplies  
25 and equipment and to provide salaries and benefits for an

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1 additional judge, twelve probation officer 2 positions; two  
2 probation officer 3 positions, five judicial specialist 2  
3 positions and a trial court administrative assistant; and

4 (2) forty thousand dollars (\$40,000) to the  
5 institute for social research at the university of New Mexico  
6 for a two-year evaluation of the drug court program.

7 Q. Forty thousand dollars (\$40,000) is  
8 appropriated from the general fund to the public defender  
9 department for expenditure in fiscal year 2002 to provide a  
10 salary and benefits, supplies, furniture and office equipment  
11 for a social worker to support the caseload in the Bernalillo  
12 county metropolitan court.

13 R. The following amounts are appropriated from the  
14 general fund to the following agencies for expenditure in  
15 fiscal year 2002 for the purpose of supporting drug courts  
16 throughout the state:

17 (1) eighty-five thousand seven hundred  
18 dollars (\$85,700) to the administrative office of the courts  
19 for supplies and equipment and to provide a salary and  
20 benefits for a statewide drug court coordinator position; and

21 (2) one hundred seventy-one thousand seven  
22 hundred dollars (\$171,700) to the institute for social  
23 research at the university of New Mexico for a statewide  
24 evaluation of drug court programs.

25 S. Any unexpended or unencumbered balance

1 remaining from any of the appropriations in this section at  
2 the end of fiscal year 2002 shall revert to the general fund.

3 Section 5. EFFECTIVE DATE. -- The effective date of the  
4 provisions of this act is July 1, 2001.

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