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HOUSE BILL 547

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

INTRODUCED BY

Ni ck L. Salazar

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-REIMBURSEMENT TO COUNTIES FOR EXPENSES
INCURRED WHEN EXTRADITING AND TRANSPORTING STATE PRISONERS. --**

**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**

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1 are incurred in:

2 (1) service of criminal process issued out of
3 the supreme court or district court;

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

7 (3) service of civil process issued by the
8 district court; and

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

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

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

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[bracketed material] = delete

1 claims for reimbursement to the department of finance and
2 administration in accordance with the department's
3 regulations. Notwithstanding the provisions of this
4 subsection, counties with one hundred thousand persons or
5 more, as determined by the 2000 United States census, shall
6 not cumulatively receive more than fifty percent of the total
7 amount of money allocated to all counties as reimbursement."

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

10 "4-44-20. PRISONERS--FEEDING IN TRANSIT--REIMBURSEMENT
11 TO COUNTIES FOR EXPENSES INCURRED IN FEEDING STATE
12 PRISONERS. --

13 A. The county sheriffs shall be reimbursed for the
14 actual expense incurred for the care and feeding of state
15 prisoners in transit. [~~No~~] A reimbursement shall not be made
16 [~~under~~] pursuant to this section without proof of actual
17 expenses incurred by a sheriff or his delegate. In no event
18 shall the reimbursement for any prisoner exceed the rate set
19 by the Per Diem and Mileage Act.

20 B. A county shall be reimbursed by the state for
21 not more than fifty percent of the actual expenses incurred
22 for the care and feeding of state prisoners in transit.
23 Notwithstanding the provisions of this subsection, counties
24 with one hundred thousand persons or more, as determined by
25 the 2000 United States census, shall not cumulatively receive

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[bracketed material] = delete

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

3 Section 3. A new Section 4-44-20.1 NMSA 1978 is enacted
4 to read:

5 "4-44-20.1. [NEW MATERIAL] CAP ON THE AMOUNT OF STATE
6 REIMBURSEMENT TO COUNTIES FOR THE EXPENSE OF EXTRADITING,
7 TRANSPORTING AND FEEDING STATE PRISONERS. --

8 A. For fiscal year 2003, the total amount of the
9 reimbursement by the state to counties for the cost of
10 extraditing, transporting and feeding state prisoners, as
11 provided in Sections 4-44-18 and 4-44-20 NMSA 1978, shall not
12 exceed one million dollars (\$1,000,000).

13 B. For fiscal year 2004 and subsequent fiscal
14 years, the total amount of the reimbursement by the state to
15 counties for the cost of extraditing, transporting and feeding
16 state prisoners, as provided in Sections 4-44-18 and 4-44-20
17 NMSA 1978, shall not exceed one million five hundred thousand
18 dollars (\$1,500,000). "

19 Section 4. EFFECTIVE DATE. -- The effective date of the
20 provisions of this act is July 1, 2002.