

HOUSE GOVERNMENT AND URBAN AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 624

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

AN ACT

RELATING TO LOCAL GOVERNMENT; INCREASING THE AMOUNT OF LOCAL
GOVERNMENT CORRECTIONS FEES; AMENDING SECTIONS OF THE NMSA
1978; MAKING AN APPROPRIATION.

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

Section 1. Section 33-3-25 NMSA 1978 (being Laws 1983,
Chapter 134, Section 1, as amended) is amended to read:

"33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--
ADMINISTRATION-- DISTRIBUTION. --

A. There is created in the state treasury a "local
government corrections fund" to be administered by the
administrative office of the courts.

B. All balances in the local government corrections
fund are appropriated to the administrative office of the

1 courts for payment to counties and municipalities in counties
2 with a metropolitan court for use by counties and those
3 municipalities for county or municipal jailer or juvenile
4 detention officer training, for the construction planning,
5 construction, maintenance and operation of the county or
6 municipal jail or juvenile detention facility, [~~to pay~~] for
7 paying the cost of housing county or municipal prisoners or
8 juveniles in any detention facility in the state, for
9 alternatives to incarceration or for complying with match or
10 contribution requirements for the receipt of federal funds
11 relating to jails [~~a~~] or juvenile detention [~~facility~~]
12 facilities. Payments shall be made quarterly upon
13 certification by the magistrate court or metropolitan court and
14 the motor vehicle division of the taxation and revenue
15 department of eligible amounts as provided in Subsection C of
16 this section.

17 C. Each county shall be eligible for a payment in
18 an amount equal to the costs and fees collected by a magistrate
19 court or a metropolitan court and the motor vehicle division
20 pursuant to offenses committed within the county and deposited
21 in the local government corrections fund; provided, in a county
22 with a metropolitan court, the county shall be eligible for a
23 payment in an amount equal to costs and fees collected pursuant
24 to offenses committed within the boundaries of the
25

1 unincorporated areas of the county, and a municipality in that
 2 county shall be eligible for a payment in an amount equal to
 3 the costs collected pursuant to offenses committed within the
 4 boundaries of the municipality.

5 D. Payments from the local government corrections
 6 fund shall be made upon vouchers issued and signed by the
 7 director of the administrative office of the courts upon
 8 warrants drawn by the secretary of finance and administration.

9 E. All money received by a county or a municipality
 10 pursuant to this section shall be deposited in a special fund
 11 in the county or municipal treasury and shall be used solely
 12 for county or municipal jailer or juvenile detention officer
 13 training, for the construction planning, construction,
 14 maintenance and operation of the county or municipal jail or
 15 juvenile detention facility, [~~to pay~~] for paying the cost of
 16 housing county or municipal prisoners or juveniles in any
 17 detention facility in the state, for alternatives to
 18 incarceration or for complying with match or [~~for~~] contribution
 19 requirements for the receipt of federal funds relating to jails
 20 or juvenile detention facilities. "

21 Section 2. Section 35-6-1 NMSA 1978 (being Laws 1968,
 22 Chapter 62, Section 92, as amended) is amended to read:

23 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
 24 "CONVICTED". --

1 A. Magistrate judges, including metropolitan court
2 judges, shall assess and collect and shall not waive, defer or
3 suspend the following costs:

4 docket fee, criminal actions under Section 29-5-1 NMSA
5 1978 \$ 1.00;

6 docket fee, to be collected prior to docketing any other
7 criminal action, except as provided in Subsection B
8 of Section 35-6-3 NMSA 1978 20.00.

9 Proceeds from this docket fee shall be transferred
10 to the administrative office of the courts for
11 deposit in the court facilities fund;

12 docket fee, ten dollars (\$10.00) of which shall be
13 deposited in the court automation fund, to be
14 collected prior to docketing any civil action,
15 except as provided in Subsection A of Section 35-6-3
16 NMSA 1978 47.00;

17 jury fee, to be collected from the party demanding trial
18 by jury in any civil action at the time the demand
19 is filed or made 25.00;

20 copying fee, for making and certifying copies of any
21 records in the court, for each page copied by
22 photographic process50.

23 Proceeds from this copying fee shall be transferred
24 to the administrative office of the courts for
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underscored material = new
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1 deposit in the court facilities fund; and
 2 copying fee, for computer-generated or electronically
 3 transferred copies, per page 1.00.
 4 Proceeds from this copying fee shall be transferred
 5 to the administrative office of the courts for
 6 deposit in the court automation fund.

7 Except as otherwise specifically provided by law, docket
 8 fees shall be paid into the court facilities fund.

9 B. Except as otherwise provided by law, no other
 10 costs or fees shall be charged or collected in the magistrate
 11 or metropolitan court.

12 C. The magistrate or metropolitan court may grant
 13 free process to any party in any civil proceeding or special
 14 statutory proceeding upon a proper showing of indigency. The
 15 magistrate or metropolitan court may deny free process if it
 16 finds that the complaint on its face does not state a cause of
 17 action.

18 D. As used in this subsection, "convicted" means
 19 the defendant has been found guilty of a criminal charge by the
 20 magistrate or metropolitan judge, either after trial, a plea of
 21 guilty or a plea of nolo contendere. Magistrate judges,
 22 including metropolitan court judges, shall assess and collect
 23 and shall not waive, defer or suspend the following costs:

- 24 (1) corrections fee in any county without a
- 25

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1 metropolitan court, to be collected upon conviction from
2 persons convicted of violating any provision of the Motor
3 Vehicle Code involving the operation of a motor vehicle,
4 convicted of a crime constituting a misdemeanor or a petty
5 misdemeanor or convicted of violating any ordinance that may be
6 enforced by the imposition of a term of imprisonment

7 [~~\$10.00~~] \$20.00;

8 (2) court automation 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 imprisonment 0.00;

14 (3) traffic safety fee, to be collected upon
15 conviction from persons convicted of violating any provision of
16 the Motor Vehicle Code involving the operation of a motor
17 vehicle 3.00;

18 (4) judicial education fee, to be collected
19 upon conviction from persons convicted of operating a motor
20 vehicle in violation of the Motor Vehicle Code, convicted of a
21 crime constituting a misdemeanor or a petty misdemeanor or
22 convicted of violating any ordinance punishable by a term of
23 imprisonment 1.00;

24 (5) brain injury services fee, to be collected
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1 upon conviction from persons convicted of violating any
2 provision of the Motor Vehicle Code involving the operation of
3 a motor vehicle 5.00;
4 and

5 (6) court facilities fee, to be collected upon
6 conviction from persons convicted of violating any provision of
7 the Motor Vehicle Code involving the operation of a motor
8 vehicle, convicted of a crime constituting a misdemeanor or a
9 petty misdemeanor or convicted of violating any ordinance that
10 may be enforced by the imposition of a term of imprisonment as
11 follows:

- 12 in a county with a metropolitan court 24.00;
- 13 in any other county 10.00.

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

20 Section 3. Section 35-14-11 NMSA 1978 (being Laws 1994,
21 Chapter 69, Section 2) is amended to read:

22 "35-14-11. MUNICIPAL ORDINANCE-- COURT COSTS-- COLLECTION--
23 PURPOSE. --

24 A. Every municipality shall enact an ordinance

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1 requiring assessment of corrections fees and judicial education
2 fees to be collected as court costs and used as provided in
3 this section.

4 B. As used in this subsection, "convicted" means
5 the defendant has been found guilty of a criminal charge by a
6 municipal judge, either after trial, a plea of guilty or a plea
7 of nolo contendere. A municipal judge shall collect the
8 following costs:

9 (1) a corrections fee of [~~ten dollars~~
10 ~~(\$10.00)~~] twenty dollars (\$20.00); and

11 (2) a judicial education fee of one dollar
12 (\$1.00).

13 C. The fees are to be collected upon conviction
14 from persons convicted of violating any ordinance relating to
15 the operation of a motor vehicle or any ordinance that may be
16 enforced by the imposition of a term of imprisonment.

17 D. All money collected pursuant to Paragraph (1) of
18 Subsection B of this section shall be deposited in a special
19 fund in the municipal treasury and shall be used for municipal
20 jailer or juvenile detention officer training, for the
21 construction planning, construction, operation and maintenance
22 of a municipal jail or juvenile detention facility, for paying
23 the cost of housing municipal prisoners in a county jail or
24 housing juveniles in a detention facility or for complying with
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1 match or contribution requirements for the receipt of federal
 2 funds relating to jails or juvenile detention facilities.

3 E. All money collected pursuant to Paragraph (2) of
 4 Subsection B of this section shall be remitted monthly to the
 5 state treasurer for credit to the judicial education fund and
 6 shall be used for the education and training, including
 7 production of bench books and other written materials, of
 8 municipal judges and other municipal court employees. "

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

11 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS-- ADDITIONAL
 12 FEES.--In addition to the penalty assessment established for
 13 each penalty assessment misdemeanor, there shall be assessed:

14 A. in a county without a metropolitan court, [~~ten~~
 15 ~~dollars (\$10.00)~~] twenty dollars (\$20.00) to help defray the
 16 costs of local government corrections;

17 B. a court automation fee of ten dollars (\$10.00);

18 C. a traffic safety fee of three dollars (\$3.00),
 19 which shall be credited to the traffic safety education and
 20 enforcement fund;

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

23 E. a brain injury services fee of five dollars
 24 (\$5.00), which shall be credited to the brain injury services
 25

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1 fund; and

2 F. a court facilities fee as follows:

3 in a county with a metropolitan court 24.00;

4 in any other county 10.00."

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

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