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SENATE BILL 238

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

INTRODUCED BY

Michael S. Sanchez

**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

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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

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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

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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.