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HOUSE BILL 308

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Nick 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 --**

**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:**

underscored material = new
[bracketed material] = delete

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

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

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

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

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

15 C. Sheriffs, their deputies and guards shall be
16 paid per diem and mileage expenses at the rate authorized in
17 the Per Diem and Mileage Act for extraditing prisoners from
18 without the state and for transporting persons committed by a
19 court to ~~[any]~~ a state institution or required to be returned
20 by order of the court from ~~[any]~~ a state institution to the
21 county of commitment. The county ~~[may]~~ shall be reimbursed by
22 the state for seventy-five percent of the per diem, [and] costs
23 for mileage and other necessary travel expenses incurred
24 ~~[under]~~ pursuant to this subsection by submitting claims for
25 reimbursement to the department of finance and administration

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underscored material = new
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1 in accordance with the department's regulations.

2 Notwithstanding the provisions of this subsection, a single
3 county shall not receive more than fifty percent of the total
4 amount of money allocated to all counties as reimbursement."

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

7 "4-44-20. PRISONERS--FEEDING IN TRANSIT.--

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

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

21 Section 3. APPROPRIATION.--One million dollars
22 (\$1,000,000) is appropriated from the general fund to the local
23 government division of the department of finance and
24 administration for expenditure in fiscal year 2004 for the
25 purpose of reimbursing counties for the expense of extraditing,

. 143860. 1

1 transporting and feeding state prisoners. Any unexpended or
2 unencumbered balance remaining at the end of fiscal year 2004
3 shall revert to the general fund.

4 Section 4. EFFECTIVE DATE. --The effective date of the
5 provisions of this act is July 1, 2003.

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