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HOUSE BILL 255

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Gail C. Beam

FOR THE CORRECTIONS OVERSIGHT AND JUSTICE COMMITTEE

AN ACT

RELATING TO THE PUBLIC DEFENDER; CREATING A FUND; AUTHORIZING THE CHIEF PUBLIC DEFENDER TO USE MONEY IN THE FUND TO CONTRACT FOR REPRESENTATION OF DEFENDANTS IN CAPITAL FELONY CASES; ENACTING A NEW SECTION OF THE PUBLIC DEFENDER ACT; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Public Defender Act is enacted to read:

"NEW MATERIAL CAPITAL FELONY REPRESENTATION FUND CREATED- - ADMINISTRATION. - -

A. The "capital felony representation fund" is created in the state treasury. The fund shall be administered by the public defender department. The public defender department shall report on the status of the fund to the

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1 legislative finance committee during each legislative interim.

2 B. All balances in the capital felony
3 representation fund are appropriated to the public defender
4 department. The chief public defender is authorized to use
5 money in the fund to contract for representation of defendants
6 in capital felony cases.

7 C. Payments from the capital felony representation
8 fund shall be made upon vouchers issued and signed by the chief
9 public defender upon warrants drawn by the secretary of finance
10 and administration.

11 D. Any balance remaining in the capital felony
12 representation fund at the end of a fiscal year shall not
13 revert to the state general fund. "

14 Section 2. APPROPRIATION. --Five hundred seventeen
15 thousand dollars (\$517,000) is appropriated from the general
16 fund to the capital felony representation fund for expenditure
17 in fiscal year 2005 and subsequent fiscal years so that the
18 chief public defender may contract for representation of
19 defendants in capital felony cases. Any unexpended or
20 unencumbered balance remaining in the capital felony
21 representation fund at the end of a fiscal year shall not
22 revert to the general fund.

23 Section 3. EFFECTIVE DATE. --The effective date of the
24 provisions of this act is July 1, 2004.