HOUSE BILL 476

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Dianne Miller Hamilton

AN ACT

RELATING TO COURTS; REQUIRING MAGISTRATE COURTS TO ASSESS A WARRANT MANAGEMENT FEE.

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

Section 1. Section 35-6-5 NMSA 1978 (being Laws 1993, Chapter 261, Section 7) is amended to read:

"35-6-5. MAGISTRATE COURT WARRANT ENFORCEMENT FUND--[FEE] FEES--ADMINISTRATION--USE OF MONEY IN FUND.--

A.   There is created in the state treasury the "magistrate court warrant enforcement fund" to be administered by the administrative office of the courts.

B.   Upon issuance of a bench warrant, a magistrate court shall assess a fee of one hundred dollars ($100) against the individual whose arrest is commanded by the bench warrant. Money collected pursuant to the fee assessment authorized by

.154172.1

1   this subsection shall be deposited in the magistrate court

2   warrant enforcement fund.

3   C.   Except as provided in Subsection D of this

4   section, all balances in the magistrate court warrant

5   enforcement fund are appropriated to the administrative office

6   of the courts for the primary purpose of employing personnel

7   and purchasing equipment and services to aid in the collection

8   of fines, fees or costs owed to the magistrate courts.   After

9   satisfaction of the primary purpose, any money remaining in the

10   fund may, to the extent deemed necessary by the director of the

11   administrative office of the courts, be used for the secondary

12   purpose of partially reimbursing law enforcement agencies for

13   the expense of serving bench warrants issued by the magistrate

14   courts, pursuant to an intergovernmental agreement entered into

15   between the law enforcement agency and the administrative

16   office of the courts.

17   D.   In addition to the warrant enforcement fee of

18   one hundred dollars ($100) in Subsection B of this section, the

19   magistrate court shall assess a fee of fifty dollars ($50.00)

20   as a warrant management fee.   Money collected pursuant to the

21   fee assessment authorized by this subsection shall be deposited

22   in the magistrate court warrant enforcement fund.   The

23   administrative office of the courts shall distribute the

24   warrant management fee each quarter to the local government

25   agency that manages warrant databases.

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1   [D.] E. Payments from the magistrate court warrant

2   enforcement fund shall be made upon warrants drawn by the

3   secretary of finance and administration pursuant to vouchers

4   issued and signed by the director of the administrative office

5   of the courts.

6   [E.] F. Any balance remaining in the magistrate

7   court warrant enforcement fund at the end of a fiscal year

8   shall not revert to the state general fund."

9   Section 2.   EFFECTIVE DATE.--The effective date of the

10   provisions of this act is July 1, 2005.

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