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SENATE BILL 512

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

INTRODUCED BY

Michael S. Sanchez

FOR THE CORRECTIONS OVERSIGHT, COURTS 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;
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- - COMPENSATION RATE. - -

A. The "capital felony representation fund" is
created in the state treasury. The fund shall be administered
by the department. The department shall report on the status
of the fund to the legislative finance committee during each
legislative interim

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1 B. All balances in the capital felony
2 representation fund are appropriated to the department. The
3 chief is authorized to use money in the fund solely for the
4 purpose of paying attorney fees associated with capital felony
5 cases that are the subject of contracts between the department
6 and attorneys who are not employed by the department.

7 C. A contract negotiated by the department with an
8 attorney for representation in a capital felony case shall
9 provide for attorney fees on the same basis as the attorney fee
10 schedule set by the risk management division of the general
11 services department.

12 D. Payments from the capital felony representation
13 fund shall be made upon vouchers issued and signed by the chief
14 upon warrants drawn by the secretary of finance and
15 administration.

16 E. Any balance remaining in the capital felony
17 representation fund at the end of a fiscal year shall not
18 revert to the general fund."

19 Section 2. APPROPRIATION. -- Seven hundred fifty-nine
20 thousand dollars (\$759,000) is appropriated from the general
21 fund to the capital felony representation fund for expenditure
22 in fiscal year 2006 and subsequent fiscal years so that the
23 chief public defender may contract for representation of
24 defendants in capital felony cases. Any unexpended or
25 unencumbered balance remaining in the capital felony

1 representation fund at the end of a fiscal year shall not
2 revert to the general fund.

3 Section 3. EFFECTIVE DATE. --The effective date of the
4 provisions of this act is July 1, 2005.

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