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HOUSE BILL 66

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Thomas E. Swisstack

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO ARREST RECORDS; AUTHORIZING THE DEPARTMENT OF
PUBLIC SAFETY TO CHARGE A FEE FOR CRIMINAL HISTORY BACKGROUND
CHECKS; CREATING THE CRIMINAL HISTORY FUND; MAKING AN
APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Arrest Record Information
Act is enacted to read:

"[NEW MATERIAL] CRIMINAL HISTORY FEE.--The department of
public safety may charge an administrative fee of up to fifty-
three dollars (\$53.00) to process criminal history background
checks based on fingerprint-supported arrest record information
maintained by the department of public safety and to provide
access to the state's criminal history database."

Section 2. A new section of the Arrest Record Information

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Act is enacted to read:

2 "[NEW MATERIAL] CRIMINAL HISTORY FUND CREATED.--

3 A. The "criminal history fund" is created in the
4 state treasury. Money received by the department of public
5 safety pursuant to the Arrest Record Information Act shall be
6 deposited in the fund. The fund shall be administered by the
7 department of public safety and money in the fund is
8 appropriated to the department of public safety for the
9 administration of the Arrest Record Information Act.
10 Expenditures from the fund shall be made by warrant of the
11 secretary of finance and administration upon vouchers signed by
12 the secretary of public safety or the secretary's authorized
13 representative.

14 B. The state treasurer shall invest the funds as
15 other state funds are invested, and all income derived from the
16 fund shall be credited directly to the fund. Remaining
17 balances at the end of a fiscal year shall remain in the
18 criminal history fund and shall not revert to the general
19 fund."

20 Section 3. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect immediately.