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HOUSE BILL 543

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

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO COURTS; EXPANDING THE USE OF THE MUNICIPAL COURT
AUTOMATION FUND TO INCLUDE OPERATING EXPENSES AND TEMPORARY
PERSONNEL COSTS.

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

Section 1. Section 34-9-12 NMSA 1978 (being Laws 1994,
Chapter 69, Section 3) is amended to read:

"34-9-12. MUNICIPAL COURT AUTOMATION FUND CREATED--
ADMINISTRATION--DISTRIBUTION.--

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

B. All balances in the municipal court automation
fund may be expended only upon application by a municipality to
the administrative office of the courts for the purpose of

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1 purchasing, ~~and~~ maintaining and operating a court automation
2 system in that municipality's courts. Operation includes
3 temporary personnel costs as needed to comply with Section
4 35-14-12 NMSA 1978.

5 C. Payments from the municipal court automation
6 fund shall be made upon vouchers issued and signed by the
7 director of the administrative office of the courts. Any
8 purchase or lease purchase agreement entered into by a
9 municipality for a court automation system shall be in
10 accordance with the provisions of the Procurement Code."

11 Section 2. Section 35-14-11 NMSA 1978 (being Laws 1983,
12 Chapter 134, Section 6, as amended) is amended to read:

13 "35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--
14 COLLECTION--PURPOSE.--

15 A. Every municipality shall enact an ordinance
16 requiring assessment of corrections fees, judicial education
17 fees and court automation fees to be collected as court costs
18 and used as provided in this section.

19 B. A municipal judge shall collect the following
20 costs:

21 (1) a corrections fee of twenty dollars
22 (\$20.00);

23 (2) a judicial education fee of two dollars
24 (\$2.00); and

25 (3) a court automation fee of six dollars

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1 (\$6.00).

2 C. The fees are to be collected upon conviction
3 from persons convicted of violating any ordinance relating to
4 the operation of a motor vehicle or any ordinance that may be
5 enforced by the imposition of a term of imprisonment.

6 D. All money collected pursuant to Paragraph (1) of
7 Subsection B of this section shall be deposited in a special
8 fund in the municipal treasury and shall be used for:

9 (1) municipal jailer or juvenile detention
10 officer training;

11 (2) the construction planning, construction,
12 operation and maintenance of a municipal jail or juvenile
13 detention facility;

14 (3) paying the cost of housing municipal
15 prisoners in a county jail or detention facility or housing
16 juveniles in a detention facility;

17 (4) complying with match or contribution
18 requirements for the receipt of federal funds relating to jails
19 or juvenile detention facilities;

20 (5) providing inpatient treatment or other
21 substance abuse programs in conjunction with or as an
22 alternative to jail sentencing;

23 (6) defraying the cost of transporting
24 prisoners to jails or juveniles to juvenile detention
25 facilities; or

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1 (7) providing electronic monitoring systems.

2 E. A municipality may credit the interest collected
3 from fees deposited in the special fund pursuant to Subsection
4 D of this section to the municipality's general fund.

5 F. All money collected pursuant to Paragraph (2) of
6 Subsection B of this section shall be remitted monthly to the
7 state treasurer for credit to the judicial education fund and
8 shall be used for the education and training, including
9 production of bench books and other written materials, of
10 municipal judges and other municipal court employees.

11 G. All money collected pursuant to Paragraph (3) of
12 Subsection B of this section shall be remitted monthly to the
13 state treasurer for credit to the municipal court automation
14 fund and shall be used for the purchase, [~~and~~] maintenance and
15 operation of court automation systems in the municipal courts.
16 Operation includes temporary personnel costs as needed to
17 comply with Section 35-14-12 NMSA 1978. The court automation
18 systems shall have the capability of providing, on a timely
19 basis, electronic records in a format specified by the judicial
20 information systems council.

21 H. As used in this section, "convicted" means the
22 defendant has been found guilty of a criminal charge by a
23 municipal judge, either after trial, a plea of guilty or a plea
24 of nolo contendere."