

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION, 2007**

March 15, 2007

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 365

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 11, after the semicolon strike the remainder of the line, strike lines 12 and 13 and insert in lieu thereof "LIMITING THE AMOUNT OF CERTAIN FINES AND FEES IMPOSED BY LOCAL AUTHORITIES FOR CERTAIN OFFENSES."

2. On page 1, line 19, after "municipality" insert ", including a home-rule municipality that has adopted a charter pursuant to Article 10, Section 6 of the constitution of New Mexico,".

3. On page 1, line 22, after "penalties" insert "or fines and costs or fees" and on lines 22 and 23, strike "a civil or criminal nuisance" and insert in lieu thereof "an".

4. On page 1, line 23, after "signal" insert ", including a red light violation,".

5. On page 1, line 24, after "shall" strike the remainder of the line, strike line 25 and on page 2, strike lines 1 and 2 and insert in lieu thereof the following:

"be subject to the following criteria:

(1) the total amount assessed in fines, fees and costs shall not exceed one hundred dollars (\$100);

(2) except as provided in Paragraph (3) of this subsection, of the amount assessed, two-thirds shall be retained by the municipality to defray the costs of carrying out the program and the remainder shall be distributed to the administrative office of the courts, of which five percent of the total amount assessed shall be credited to the brain injury services fund, three percent shall be credited to the traffic safety education and enforcement fund and the remainder shall be credited to the court facilities fund; and

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(3) in fiscal year 2008 and not less than once every five fiscal years thereafter, the municipality shall cause an audit of the program to be conducted by the state auditor or an independent auditor selected by the state auditor. If an audit shows that the costs of maintaining the program plus ten percent is less than the amount of the assessment retained by the municipality, the excess shall be distributed to the administrative office of the courts to be credited to the court facilities fund;".

6. On page 2, line 16 through page 5, line 12, strike Sections 2 and 3 and insert in lieu thereof the following new sections:

"Section 2. TEMPORARY PROVISION--APPLICABILITY.--The provisions of this act shall apply prospectively to all municipal ordinances enacted before or after the effective date of the provisions of this act.

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007."

Respectfully submitted,

Al Park, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 7 For 2 Against
Yes: 7
No: Chasey, Stewart
Excused: Foley, Martinez, Park, Swisstack
Absent: None

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