

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 744

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO COUNTY CORRECTIONS; PROVIDING FOR REDISTRIBUTION OF  
THE LOCAL GOVERNMENT CORRECTIONS FUND UNDER CERTAIN  
CIRCUMSTANCES; PROVIDING FOR A FEE FOR PLACEMENT OF MUNICIPAL  
INMATES IN COUNTY DETENTION FACILITIES UNDER CERTAIN  
CIRCUMSTANCES.

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

Section 1. Section 33-3-25 NMSA 1978 (being Laws 1983,  
Chapter 134, Section 1, as amended) is amended to read:

"33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--  
ADMINISTRATION--DISTRIBUTION.--

A. There is created in the state treasury [a] the  
"local government corrections fund" to be administered by the  
administrative office of the courts.

B. All balances in the local government corrections

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1 fund are appropriated to the administrative office of the  
2 courts for payment to counties and municipalities in counties  
3 with a metropolitan court for use by counties and those  
4 municipalities for county or municipal jailer or juvenile  
5 detention officer training; for the construction planning,  
6 construction, maintenance and operation of the county detention  
7 facility, municipal jail or juvenile detention facility; for  
8 paying the cost of housing county or municipal prisoners or  
9 juveniles in any detention facility in the state; for  
10 alternatives to incarceration; or for complying with match or  
11 contribution requirements for the receipt of federal funds  
12 relating to detention facilities, jails or juvenile detention  
13 facilities. Payments shall be made quarterly upon  
14 certification by the magistrate court or metropolitan court and  
15 the motor vehicle division of the taxation and revenue  
16 department of eligible amounts as provided in Subsection C of  
17 this section.

18 C. Each county shall be eligible for a payment in  
19 an amount equal to the costs and fees collected by a magistrate  
20 court or a metropolitan court and the motor vehicle division  
21 pursuant to offenses committed within the county and deposited  
22 in the local government corrections fund [~~provided in a county~~  
23 ~~with a metropolitan court, the county shall be eligible for a~~  
24 ~~payment in an amount equal to costs and fees collected pursuant~~  
25 ~~to offenses committed within the boundaries of the~~

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1 ~~unincorporated areas of the county, and a municipality in that~~  
2 ~~county, shall be eligible for a payment in an amount equal to~~  
3 ~~the costs collected pursuant to offenses committed within the~~  
4 ~~boundaries of the municipality].~~

5 D. Payments from the local government corrections  
6 fund shall be made upon vouchers issued and signed by the  
7 director of the administrative office of the courts upon  
8 warrants drawn by the secretary of finance and administration.

9 E. All money received by a county or a municipality  
10 pursuant to this section shall be deposited in a special fund  
11 in the county or municipal treasury and shall be used solely  
12 for:

13 (1) county or municipal jailer or juvenile  
14 detention officer training;

15 (2) the construction planning, construction,  
16 maintenance and operation of the county detention facility,  
17 municipal jail or juvenile detention facility;

18 (3) paying the cost of housing county or  
19 municipal prisoners or juveniles in any detention facility in  
20 the state;

21 (4) alternatives to incarceration; or

22 (5) complying with match or contribution  
23 requirements for the receipt of federal funds relating to  
24 detention facilities, jails or juvenile detention facilities."

25 Section 2. A new section of Chapter 33, Article 3 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] COUNTY DETENTION FACILITY FEES--HOUSING OF  
3 MUNICIPAL INMATES.--A municipality within a class A county with  
4 a population of five hundred thousand or more persons shall  
5 contribute funds to the county in an amount that is equal to a  
6 minimum of fifteen percent of the operating costs of the county  
7 detention facility. The contribution shall be made by the  
8 municipality to the county in equal quarterly payments. The  
9 operation costs shall be confirmed by the local government  
10 division of the department of finance and administration based  
11 on the annual approved county budget."

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

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