

AN ACT

RELATING TO COUNTIES; INCREASING THE FEES PAID TO SHERIFFS FOR SERVICE OF PROCESS.

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

Section 1. Section 4-41-16 NMSA 1978 (being Laws 1895, Chapter 35, Section 1, as amended) is amended to read:

"4-41-16. FEES--ATTENDANCE ON COURTS--SESSIONS OF COUNTY COMMISSIONERS--HEARING BEFORE JUDGES.--

A. The sheriffs of this state shall be allowed, except from the state or any state agency, the following fees and compensations:

(1) for serving every writ, citation, order, subpoena or summons, not more than forty dollars (\$40.00);

(2) for every writ of capias or attachment for each defendant, six dollars (\$6.00);

(3) for taking and returning every bond required by law, five dollars (\$5.00);

(4) for levying every execution and return of same, six dollars (\$6.00);

(5) for making, executing and delivering every sheriff's deed, to be paid by the purchaser, six dollars (\$6.00);

(6) for every return of non est inventus, fifty cents (\$.50); and

(7) for making every return of any process, order, summons, citation or decree of any court, two dollars (\$2.00).

No sheriff shall collect more than one of the fees listed in this subsection, regardless of how many documents may be served upon one or more individuals, when those documents are served at the same time and at the same location.

B. In the service of any subpoena or summons for witnesses, the sheriff shall be allowed compensation of one dollar (\$1.00) for each of the witnesses so summoned by the sheriff, notwithstanding that the name of the witness may appear in but one copy of the subpoena or summons.

C. It is the duty of the sheriffs of the state to attend:

(1) the sessions of every district court, which attendance shall be paid in the manner now provided by law;

(2) all sessions of the probate court and sessions of the boards of county commissioners, which attendance shall be paid sheriffs out of the general county funds of the county in which the services were rendered; and

(3) at the trial or hearing before magistrates in felony cases, where the arrest is made by the sheriff, either with or without a warrant, which attendance

