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AN ACT

RELATING TO TRAFFIC OFFENSES; LIMITING THE AMOUNT OF CERTAIN
FINES AND FEES IMPOSED BY MUNICIPALITIES FOR CERTAIN
OFFENSES; CREATING THE METROPOLITAN COURT BOND GUARANTEE
FUND; MAKING AN APPROPRIATION FOR STATEWIDE EFFORTS TO
PREVENT OR REDUCE INCIDENTS OF DRIVING WHILE INTOXICATED.

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

Section 1. Section 3-18-17 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-17-14) is amended to read:

"3-18-17. NUISANCES AND OFFENSES--REGULATION OR
PROHIBITION.--A municipality, including a home rule
municipality that has adopted a charter pursuant to Article
10, Section 6 of the constitution of New Mexico, may by
ordinance:

A. define a nuisance, abate a nuisance and impose
penalties upon a person who creates or allows a nuisance to
exist; provided that for a municipality with a population of
200,000 or greater as of the last decennial census, the
penalties or fines and costs or fees imposed by an ordinance
for failure to obey a traffic sign or signal, including a red
light violation, or for a speeding offense or violation,
shall be subject to the following criteria:

(1) the total amount of assessed penalties,
fines, fees and costs for each offense or violation shall not

1 exceed seventy-five dollars (\$75.00);

2 (2) each month, or other period set by
3 contract, the municipality shall retain from the gross total
4 amount of penalties, fines, fees and costs assessed and
5 collected that month or period an amount subject to audit
6 that is equal to the setup, maintenance, support and
7 processing services fees charged for that month or period
8 pursuant to contractual terms, by a vendor providing systems
9 and services that assist the municipality in imposing
10 penalties or fines and costs or fees as provided in this
11 subsection.

12 (3) less the retention authorized in
13 Paragraph (2) of this subsection, the net total amount
14 assessed in fines, fees and costs by the municipality shall
15 be distributed to the administrative office of the courts, of
16 which ten percent of the net total amount assessed shall be
17 credited to DWI drug court programs and ninety percent of the
18 net total amount assessed shall be transferred to the New
19 Mexico finance authority for deposit into the metropolitan
20 court bond guarantee fund; and

21 (4) in fiscal year 2009, and annually
22 thereafter, the municipality shall cause an audit of the
23 program to be conducted by the state auditor or an
24 independent auditor selected by the state auditor;

25 B. regulate or prohibit any amusement or practice

1 that tends to annoy persons on a street or public ground; and

2 C. prohibit and suppress:

3 (1) gambling and the use of fraudulent
4 devices or practices for the purpose of obtaining money or
5 property;

6 (2) the sale, possession or exhibition of
7 obscene or immoral publications, prints, pictures or
8 illustrations;

9 (3) public intoxication;

10 (4) disorderly conduct; and

11 (5) riots, noises, disturbances or
12 disorderly assemblies in any public or private place."

13 Section 2. A new section of the New Mexico Finance
14 Authority Act is enacted to read:

15 "METROPOLITAN COURT BOND GUARANTEE FUND.--

16 A. The "metropolitan court bond guarantee fund" is
17 created in the authority. The fund is comprised of
18 appropriations, donations, transfers pursuant to Section
19 3-18-17 NMSA 1978 and money earned from investment of the
20 fund and otherwise accruing to the fund. Money in the fund
21 is appropriated to the authority as a credit enhancement to
22 the distributions from the court facilities fund in order to
23 guarantee and secure the payment of principal, interest,
24 premiums and expenses on bonds issued pursuant to Section
25 34-9-16 NMSA 1978 and Laws 2000, Chapter 5, Section 2.

1 Balances remaining in the fund at the end of a fiscal year
2 shall not revert. The authority shall administer the fund,
3 and money from the fund may be drawn only on warrants signed
4 by the chief executive officer of the authority pursuant to
5 vouchers signed by the chief executive officer.

6 B. Before each due date for payments of principal,
7 interest, premiums or expenses on bonds issued pursuant to
8 Section 34-9-16 NMSA 1978 and Laws 2000, Chapter 5, Section
9 2, the authority shall determine if the distributions from
10 the court facilities fund will be sufficient to meet the
11 amount due. If the authority determines that distributions
12 from the court facilities fund are not sufficient to meet the
13 total amount due, any insufficient amount shall be paid
14 immediately from the metropolitan court bond guarantee fund.
15 After each due date for a payment on the bonds, the authority
16 shall determine the amount necessary to reserve in the
17 metropolitan court bond guarantee fund as security for future
18 payments and transfer any balance, above the amount reserved,
19 to the traffic safety bureau of the department of
20 transportation. The amounts transferred are appropriated to
21 the bureau for expenditure on statewide efforts to prevent or
22 reduce incidents of driving while intoxicated.

23 C. Upon payment of all principal, interest,
24 premiums and expenses on bonds guaranteed and secured by
25 amounts in the metropolitan court bond guarantee fund, the

1 authority shall certify to the administrative office of the
2 courts that all obligations for bonds have been fully
3 discharged. Upon the certification, the director of the
4 administrative office of the courts shall cease transferring
5 amounts to the metropolitan court bond guarantee fund and
6 transfer those amounts to the traffic safety bureau of the
7 department of transportation. Such amounts are appropriated
8 to the bureau for the purposes specified in Subsection B of
9 this section."

10 Section 3. TEMPORARY PROVISION--APPLICABILITY.--The
11 provisions of this act apply prospectively to all municipal
12 ordinances enacted before or after the effective date of the
13 provisions of this act.

14 Section 4. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2008. _____

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