

HOUSE BILL 285

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

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AN ACT

RELATING TO COURTS; INCREASING THE WARRANT ENFORCEMENT FEE FOR
MAGISTRATE AND METROPOLITAN COURTS.

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

SECTION 1. Section 34-8A-12 NMSA 1978 (being Laws 1993,
Chapter 261, Section 5) is amended to read:

"34-8A-12. METROPOLITAN COURT WARRANT ENFORCEMENT
FUND--FEE--ADMINISTRATION--USE OF MONEY IN FUND.--

A. There is created in the state treasury the
"metropolitan court warrant enforcement fund" to be
administered by the Bernalillo county metropolitan court.

B. Upon issuance of a bench warrant, the Bernalillo
county metropolitan court shall assess an administrative fee of
~~[one hundred dollars (\$100)]~~ two hundred dollars (\$200) against
the individual whose arrest is commanded by the bench warrant.

.204608.1SA

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 Money collected pursuant to the fee assessment authorized by
2 this subsection shall be deposited in the metropolitan court
3 warrant enforcement fund.

4 C. All balances in the metropolitan court warrant
5 enforcement fund are appropriated to the Bernalillo county
6 metropolitan court for the primary purpose of employing
7 personnel and purchasing equipment and services to aid in the
8 collection of fines, fees or costs owed to the Bernalillo
9 county metropolitan court. After satisfaction of the primary
10 purpose, any money remaining in the fund may, to the extent
11 deemed necessary by the court, be used for the secondary
12 purpose of partially reimbursing law enforcement agencies for
13 the expense of serving bench warrants issued by the court,
14 pursuant to an intergovernmental agreement entered into between
15 the law enforcement agency and the court.

16 D. Payments from the metropolitan court warrant
17 enforcement fund shall be made upon warrants drawn by the
18 secretary of finance and administration pursuant to vouchers
19 issued and signed by the Bernalillo county metropolitan court
20 administrator.

21 E. Any balance remaining in the metropolitan court
22 warrant enforcement fund at the end of a fiscal year shall not
23 revert to the state general fund."

24 SECTION 2. Section 35-6-5 NMSA 1978 (being Laws 1993,
25 Chapter 261, Section 7) is amended to read:

.204608.1SA

underscored material = new
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1 "35-6-5. MAGISTRATE COURT WARRANT ENFORCEMENT FUND--FEE--
2 ADMINISTRATION--USE OF MONEY IN FUND.--

3 A. There is created in the state treasury the
4 "magistrate court warrant enforcement fund" to be administered
5 by the administrative office of the courts.

6 B. Upon issuance of a bench warrant, a magistrate
7 court shall assess a fee of [~~one hundred dollars (\$100)~~] two
8 hundred dollars (\$200) against the individual whose arrest is
9 commanded by the bench warrant. Money collected pursuant to
10 the fee assessment authorized by this subsection shall be
11 deposited in the magistrate court warrant enforcement fund.

12 C. All balances in the magistrate court warrant
13 enforcement fund are appropriated to the administrative office
14 of the courts for the primary purpose of employing personnel
15 and purchasing equipment and services to aid in the collection
16 of fines, fees or costs owed to the magistrate courts. After
17 satisfaction of the primary purpose, any money remaining in the
18 fund may, to the extent deemed necessary by the director of the
19 administrative office of the courts, be used for the secondary
20 purpose of partially reimbursing law enforcement agencies for
21 the expense of serving bench warrants issued by the magistrate
22 courts, pursuant to an intergovernmental agreement entered into
23 between the law enforcement agency and the administrative
24 office of the courts.

25 D. Payments from the magistrate court warrant

underscored material = new
~~[bracketed material] = delete~~

1 enforcement fund shall be made upon warrants drawn by the
2 secretary of finance and administration pursuant to vouchers
3 issued and signed by the director of the administrative office
4 of the courts.

5 E. Any balance remaining in the magistrate court
6 warrant enforcement fund at the end of a fiscal year shall not
7 revert to the state general fund."

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