

1 SENATE BILL 304

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Richard C. Martinez

5
6
7
8
9
10 AN ACT

11 RELATING TO COURT OPERATIONS; CREATING THE MAGISTRATE COURTS
12 OPERATIONS FUND; REINSTATING THE MAGISTRATE COURTS OPERATIONS
13 FEE AND INCREASING IT TO FIVE DOLLARS (\$5.00); MAKING AN
14 APPROPRIATION.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new section of Chapter 35, Article 7 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] MAGISTRATE COURTS OPERATIONS FUND.--The
20 "magistrate courts operations fund" is created in the state
21 treasury. The fund consists of magistrate courts operations
22 fees collected pursuant to Section 66-8-116.3 NMSA 1978 and any
23 appropriations, gifts, grants and donations. Income from the
24 fund shall be credited to the fund. Money in the fund at the
25 end of a fiscal year shall not revert to any other fund. The

.206316.1

underscored material = new
[bracketed material] = delete

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

1 administrative office of the courts shall administer the fund,
2 and money in the fund is appropriated to the administrative
3 office of the courts to operate magistrate courts. Money in
4 the fund shall be disbursed on warrants signed by the secretary
5 of finance and administration pursuant to vouchers signed by
6 the director of the administrative office of the courts or the
7 director's authorized representative."

8 SECTION 2. Section 66-8-116.3 NMSA 1978 (being Laws 1989,
9 Chapter 318, Section 35 and Laws 1989, Chapter 319, Section 14
10 and also Laws 1989, Chapter 320, Section 5, as amended) is
11 amended to read:

12 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL
13 FEES.--In addition to the penalty assessment established for
14 each penalty assessment misdemeanor, there shall be assessed:

15 A. in a county without a metropolitan court, twenty
16 dollars (\$20.00) to help defray the costs of local government
17 corrections;

18 B. a court automation fee of ten dollars (\$10.00);

19 C. a traffic safety fee of three dollars (\$3.00),
20 which shall be credited to the traffic safety education and
21 enforcement fund;

22 D. a judicial education fee of three dollars
23 (\$3.00), which shall be credited to the judicial education
24 fund;

25 E. a jury and witness fee of five dollars (\$5.00),

.206316.1

underscored material = new
[bracketed material] = delete

1 which shall be credited to the jury and witness fee fund;
2 F. a juvenile adjudication fee of one dollar
3 (\$1.00), which shall be credited to the juvenile adjudication
4 fund;
5 G. a brain injury services fee of five dollars
6 (\$5.00), which shall be credited to the brain injury services
7 fund;
8 H. a court facilities fee as follows:
9 in a county with a metropolitan court \$24.00;
10 in any other county 10.00;
11 and
12 I. until May 31, [~~2014~~] 2020, a magistrate courts
13 operations fee of [~~four dollars (\$4.00)~~] five dollars (\$5.00),
14 which shall be credited to the magistrate courts operations
15 fund."

16 SECTION 3. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2017.