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HOUSE BILL 889

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. DAVID PEDERSON

AN ACT

RELATING TO COURTS; PROVIDING THAT A PERCENTAGE OF A PUNITIVE DAMAGES AWARD SHALL BE DEDICATED FOR THE PROVISION OF LEGAL SERVICES TO INDIGENT PERSONS; CREATING FUNDS; MAKING AN APPROPRIATION.

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

Section 1. PUNITIVE DAMAGES AWARD--PERCENTAGE OF AWARD DEDICATED TO INDIGENT REPRESENTATION FUNDS.--If punitive damages are awarded to a party in a civil action, the party who receives the punitive damages award shall retain fifty percent of the award. Twenty-five percent of the punitive damages award shall be deposited in the civil indigent representation fund and twenty-five percent of the punitive damages award shall be deposited in the criminal indigent representation fund.

Section 2. CIVIL INDIGENT REPRESENTATION FUND CREATED--

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1 ADMINISTRATION - - DISTRIBUTION. - -

2 A. There is created in the state treasury the "civil
3 indigent representation fund" to be administered by the
4 administrative office of the courts.

5 B. Balances in the civil indigent representation
6 fund may be expended by the administrative office of the courts
7 for the purpose of increasing the availability of civil legal
8 services to indigent persons. Balances in the fund shall be
9 expended by the administrative office of the courts in an
10 equitable manner throughout the state, upon a showing of need by
11 applicants for money from the fund.

12 C. Balances in the civil indigent representation
13 fund shall not revert at the end of any fiscal year.

14 D. Payments from the civil indigent representation
15 fund shall be made upon vouchers issued and signed by the
16 director of the administrative office of the courts upon
17 warrants drawn by the secretary of finance and administration.

18 Section 3. CRIMINAL INDIGENT REPRESENTATION FUND CREATED - -
19 ADMINISTRATION - - DISTRIBUTION. - -

20 A. There is created in the state treasury the
21 "criminal indigent representation fund" to be administered by
22 the public defender department.

23 B. Balances in the criminal indigent representation
24 fund may be expended by the public defender department for the
25 purpose of increasing the availability of criminal legal

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1 services to indigent persons. Balances in the fund shall be
2 expended by the public defender department in an equitable
3 manner throughout the state, upon a showing of need by
4 applicants for money from the fund.

5 C. Balances in the criminal indigent representation
6 fund shall not revert at the end of any fiscal year.

7 D. Payments from the criminal indigent
8 representation fund shall be made upon vouchers issued and
9 signed by the chief public defender upon warrants drawn by the
10 secretary of finance and administration.

11 Section 4. EFFECTIVE DATE. -- The effective date of the
12 provisions of this act is July 1, 1997.

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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 3, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 889

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Mallory, Rios, Sanchez

Absent: None

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