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HOUSE BILL 89

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

R. DAVID PEDERSON

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

**RELATING TO MUNICIPAL COURTS; INCREASING THE AMOUNT OF THE
COURT AUTOMATION FEE ASSESSED AND COLLECTED BY THE MUNICIPAL
COURTS; MAKING AN APPROPRIATION; AMENDING A SECTION OF THE
NMSA 1978; REPEALING LAWS 1994, CHAPTER 69, SECTION 2.**

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

**Section 1. Section 35-14-11 NMSA 1978 (being Laws 1983,
Chapter 134, Section 6, as amended) is amended to read:**

**"35-14-11. MUNICIPAL ORDINANCE-- COURT COSTS--
COLLECTION-- PURPOSE. --**

**A. Every municipality shall enact an ordinance
requiring assessment of corrections fees, judicial education
fees and court automation fees to be collected as court costs
and used as provided in this section.**

B. As used in this subsection, "convicted" means

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1 the defendant has been found guilty of a criminal charge by a
2 municipal judge, either after trial, a plea of guilty or a
3 plea of nolo contendere. A municipal judge shall collect the
4 following costs:

- 5 (1) a corrections fee of ten dollars
6 (\$10.00);
- 7 (2) a judicial education fee of one dollar
8 (\$1.00); and
- 9 (3) a court automation fee of [~~three dollars~~
10 ~~(\$3.00)] ten dollars (\$10.00).~~

11 C. The fees are to be collected upon conviction
12 from persons convicted of violating any ordinance relating to
13 the operation of a motor vehicle or any ordinance that may be
14 enforced by the imposition of a term of imprisonment.

15 D. All money collected pursuant to Paragraph (1)
16 of Subsection B of this section shall be deposited in a
17 special fund in the municipal treasury and shall be used for
18 municipal jailer or juvenile detention officer training, for
19 the construction planning, construction, operation and
20 maintenance of a municipal jail or juvenile detention
21 facility, for paying the cost of housing municipal prisoners
22 in a county jail or housing juveniles in a detention facility
23 or for complying with match or contribution requirements for
24 the receipt of federal funds relating to jails or juvenile
25 detention facilities.

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E. All money collected pursuant to Paragraph (2) of Subsection B of this section shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including production of bench books and other written materials, of municipal judges and other municipal court employees.

F. All money collected pursuant to Paragraph (3) of Subsection B of this section shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase and maintenance of court automation systems in the municipal courts. The court automation systems shall have the capability of providing, on a timely basis, electronic records in a format specified by the judicial information system council. "

Section 2. REPEAL. -- Laws 1994, Chapter 69, Section 2 is repealed.

Section 3. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 1998.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 January 28, 1998
7

8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 89
13

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

17 Respectfully submitted,
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21 _____
22 Thomas P. Foy, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 89

Page 5

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 9 For 0 Against

11 Yes: 9

12 Excused: King, Sanchez, Stewart, Pederson

13 Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 6, 1998

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6
7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 89

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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20 _____
21 Max Coll, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 7

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Abeyta, Garcia, MH, Knowles, Marquardt, Pearce, Salazar,

13 Vigil

14 Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

HB 89/a

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4 February 15, 1998

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6 Mr. President:

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8 Your FINANCE COMMITTEE, to whom has been referred

9 HOUSE BILL 89

10
11 has had it under consideration and reports same with
12 recommendation that it DO PASS, amended as follows:

13
14 1. On page 1, line 14, strike "; REPEALING LAWS 1994,
15 CHAPTER 69, SECTION 2".

16
17 2. On page 2, lines 5 and 6, strike "ten dollars (\$10.00)"
18 and insert in lieu thereof "six dollars (\$6.00)".

19
20 3. On page 2, line 10, strike "ten dollars (\$10.00)" and
21 insert in lieu thereof "six dollars (\$6.00)".

22
23 4. On page 3, strike Section 2 in its entirety and insert
24 in lieu thereof:

25 "Section 2. Laws 1994, Chapter 69, Section 4 is amended to

. 119941. 3

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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read:

"Section 2. EFFECTIVE DATE. --

A. The effective date of the provisions of Sections 1
and 3 of this act is July 1, 1994.

B. The effective date of the provisions of Section 2
of this act is July 1, [1999] 2001. "".

Respectfully submitted,

. 119941. 3

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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SFC/HB 89

Page 10

Ben D. Altamirano, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Campos, Carraro, Eisenstadt, Lyons

Absent: None

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. 119941. 3

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FORTY-THIRD LEGISLATURE
SECOND SESSION

February 16, 1998

SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 89, as amended

Amendment sponsored by Senator Pete Campos

1. Strike Senate Finance Committee Amendments 1 through 4.

2. On page 1, line 14, strike "REPEALING LAWS 1994, CHAPTER 69, SECTION 2." and insert in lieu thereof "AMENDING LAWS 1994, CHAPTER 69, SECTION 4.".

3. On page 2, line 10, strike "ten dollars (\$10.00)" and insert in lieu thereof "six dollars (\$6.00)".

4. On page 3, lines 16 and 17, strike Section 2 in its entirety and insert in lieu thereof the following new section:

"Section 2. Laws 1994, Chapter 69, Section 4 is amended to read:

"Section 4. EFFECTIVE DATE. --

A. The effective date of the provisions of Sections 1

FORTY-THIRD LEGISLATURE
SECOND SESSION

SF1/HB 89

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and 3 of this act is July 1, 1994.

B. The effective date of the provisions of Section 2
of this act is July 1, [1999] 2001. "".

Pete Campos

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

Underscored material = new
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