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HOUSE BILL 202

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Nick L. Salazar

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO COUNTIES; ESTABLISHING A RATE OF REIMBURSEMENT TO COUNTIES FOR EXPENSES INCURRED WHEN COUNTIES EXTRADITE, TRANSPORT AND FEED STATE PRISONERS; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 4-44-18 NMSA 1978 (being Laws 1961, Chapter 253, Section 4, as amended) is amended to read:

"4-44-18. SHERIFFS, DEPUTY SHERIFFS AND GUARDS--EXPENSES INCURRED IN SERVING PROCESS AND CERTAIN OTHER OFFICIAL BUSINESS--PER DIEM --

A. Sheriffs, their deputies and guards shall be paid per diem expenses at the rate authorized in the Per Diem and Mileage Act by the counties on behalf of which expenses are incurred in:

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1 (1) service of criminal process issued out of  
2 the supreme court or district court;

3 (2) service of criminal process issued out of  
4 a magistrate court when the issuance is approved in writing by  
5 the district attorney or his assistants;

6 (3) service of civil process issued by the  
7 district court; and

8 (4) attempting to discover or arrest a person  
9 charged with a felony if written authorization is obtained  
10 from the district judge.

11 B. Expenses authorized under this section shall be  
12 paid on the rendition of sworn accounts filed in the county  
13 clerk's office and approved by the board of county  
14 commissioners and the district judge.

15 C. Sheriffs, their deputies and guards shall be  
16 paid per diem and mileage expenses at the rate authorized in  
17 the Per Diem and Mileage Act for extraditing prisoners from  
18 without the state and for transporting persons committed by a  
19 court to any state institution or required to be returned by  
20 order of the court from any state institution to the county of  
21 commitment. The county [~~may~~] shall be reimbursed by the state  
22 for [~~the~~] seventy-five percent of the costs for per diem,  
23 [~~and~~] mileage and other necessary travel expenses incurred  
24 under this subsection by submitting claims for reimbursement  
25 to the department of finance and administration in accordance

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1 with the department's regulations. Notwithstanding the  
2 provisions of this subsection, a single county shall not  
3 receive more than fifty percent of the total amount of money  
4 allocated to all counties as reimbursement. "

5 Section 2. Section 4-44-20 NMSA 1978 (being Laws 1961,  
6 Chapter 253, Section 8, as amended) is amended to read:

7 "4-44-20. PRISONERS--FEEDING IN TRANSIT.--The county  
8 sheriffs shall be reimbursed for the actual expense incurred  
9 for the care and feeding of prisoners in transit. No  
10 reimbursement shall be made under this section without proof  
11 of actual expenses incurred by a sheriff or his delegate. In  
12 no event shall the reimbursement for any prisoner exceed the  
13 rate set by the Per Diem and Mileage Act. A county shall be  
14 reimbursed by the state for seventy-five percent of the actual  
15 expenses incurred for the care and feeding of prisoners in  
16 transit. Notwithstanding the provisions of this section, a  
17 single county shall not receive more than fifty percent of the  
18 total amount of money allocated to all counties as  
19 reimbursement. "

20 Section 3. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3  
4  
5  
6 February 4, 1999

7  
8 Mr. Speaker:

9  
10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to  
11 whom has been referred

12  
13 HOUSE BILL 202

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

18 Respectfully submitted,

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23 James G. Taylor, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HGUAC/HB 202

Page 5

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: None

Absent: None

J: \99BillSWP\H0202

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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HGUAC/HB 202

Page 6

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3  
4 February 18, 1999

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7 Mr. Speaker:

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

11 HOUSE BILL 202

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

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16 Respectfully submitted,

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21 Max Coll, Chair man  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

Page 8

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Buffett, Coll, Heaton, Larrañaga, Pearce, Picraux, Watchman

Absent: None

J: \99BillSWP\H0202

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FORTY- FOURTH LEGI SLATURE  
FIRST SESSI ON, 1999

HB 202/a

March 3, 1999

Mr. Presi dent:

Your FINANCE COMMI TTEE, to whom has been referred

HOUSE BILL 202

has had it under consideration and reports same with  
recommen dation that it DO PASS, amended as follows:

1. On page 3, line 21, strike "1999" and insert in lieu thereof "2000".

Respectfully submi tted,

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Ben D. Altami rano, Chair man

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FORTY- FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Campos, Griego, Rodriguez, Tsosie

Absent: None

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FORTY- FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Campos, Griego, Rodriguez, Tsosie

Absent: None

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. 128568. 1

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