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SENATE BILL 672

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

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO COURTS; REVISING THE USE OF MONEY IN THE
MAGISTRATE COURT WARRANT ENFORCEMENT FUND; AMENDING A SECTION
OF THE NMSA 1978.

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

Section 1. Section 35-6-5 NMSA 1978 (being Laws 1993,
Chapter 261, Section 7) is amended to read:

"35-6-5. MAGISTRATE COURT WARRANT ENFORCEMENT FUND--
FEE--ADMINISTRATION--USE OF MONEY IN FUND.--

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

B. Upon issuance of a bench warrant, a magistrate
court shall assess a fee of one hundred dollars (\$100) against
the individual whose arrest is commanded by the bench warrant.

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

4 C. All balances in the magistrate court warrant
5 enforcement fund are appropriated to the administrative office
6 of the courts; provided that:

7 (1) fifty percent of the money in the fund
8 shall be used for the [primary] purpose of employing personnel
9 and purchasing equipment and services to aid in the collection
10 of fines, fees or costs owed to the magistrate courts [~~After~~
11 ~~satisfaction of the primary purpose, any money remaining in~~
12 ~~the fund may, to the extent deemed necessary by the director~~
13 ~~of the administrative office of the courts~~]; and

14 (2) fifty percent of the money in the fund
15 shall be used for the [secondary] purpose of partially
16 reimbursing law enforcement agencies for the expense of
17 serving bench warrants issued by the magistrate courts,
18 pursuant to an intergovernmental agreement entered into
19 between the law enforcement agency and the administrative
20 office of the courts.

21 D. Payments from the magistrate court warrant
22 enforcement fund shall be made upon warrants drawn by the
23 secretary of finance and administration pursuant to vouchers
24 issued and signed by the director of the administrative office
25 of the courts.

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

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1999.

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