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HOUSE BILL 107

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Stephanie Garcia Richard

AN ACT

RELATING TO COURTS; PROVIDING FOR THE USE OF MUNICIPAL COURT
CORRECTIONS FEES FOR LAW ENFORCEMENT FACILITIES.

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. A municipal judge shall collect the following
costs:

- (1) a corrections fee of twenty dollars

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1 (\$20.00);

2 (2) a judicial education fee of three dollars
3 (\$3.00); and

4 (3) a court automation fee of six dollars
5 (\$6.00).

6 C. The fees are to be collected upon conviction
7 from persons convicted of violating any ordinance relating to
8 the operation of a motor vehicle or any ordinance that may be
9 enforced by the imposition of a term of imprisonment.

10 D. All money collected pursuant to Paragraph (1) of
11 Subsection B of this section shall be deposited in a special
12 fund in the municipal treasury and shall be used for:

13 (1) municipal jailer or juvenile detention
14 officer training;

15 (2) the construction planning, construction,
16 operation and maintenance of a municipal jail, ~~[or]~~ juvenile
17 detention facility or law enforcement facility;

18 (3) paying the cost of housing municipal
19 prisoners in a county jail or detention facility or housing
20 juveniles in a detention facility;

21 (4) complying with match or contribution
22 requirements for the receipt of federal funds relating to jails
23 or juvenile detention facilities;

24 (5) providing inpatient treatment or other
25 substance abuse programs in conjunction with or as an

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1 alternative to jail sentencing;

2 (6) defraying the cost of transporting
3 prisoners to jails or juveniles to juvenile detention
4 facilities; or

5 (7) providing electronic monitoring systems.

6 E. A municipality may credit the interest collected
7 from fees deposited in the special fund pursuant to Subsection
8 D of this section to the municipality's general fund.

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

15 G. All money collected pursuant to Paragraph (3) of
16 Subsection B of this section shall be remitted monthly to the
17 state treasurer for credit to the municipal court automation
18 fund and shall be used for the purchase, maintenance and
19 operation of court automation systems in the municipal courts.
20 Operation includes staff expenses, temporary or otherwise, and
21 costs as needed to comply with Section 35-14-12 NMSA 1978. The
22 court automation systems shall have the capability of
23 providing, on a timely basis, electronic records in a format
24 specified by the judicial information systems council.

25 H. As used in this section, "convicted" means the

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1 defendant has been found guilty of a criminal charge by a
2 municipal judge, either after trial, a plea of guilty or a plea
3 of nolo contendere."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2013.

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