

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:

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

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

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

(4) attempting to discover or arrest a person charged with a felony if written authorization is

obtained from the district judge.

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

C. Sheriffs, their deputies and guards shall be paid per diem and mileage expenses at the rate authorized in the Per Diem and Mileage Act for extraditing prisoners from without the state and for transporting persons committed by a court to any state institution or required to be returned by order of the court from any state institution to the county of commitment. The county shall be reimbursed by the state for seventy-five percent of the costs for per diem, mileage and other necessary travel expenses incurred pursuant to this subsection by submitting claims for reimbursement to the department of finance and administration in accordance with the department's regulations. Notwithstanding the provisions of this subsection, a single county shall not receive more than fifty percent of the total amount of money allocated to all counties as reimbursement."

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

"4-44-20. PRISONERS--FEEDING IN TRANSIT.--

A. The county sheriffs shall be reimbursed for

the actual expense incurred for the care and feeding of prisoners in transit. No reimbursement shall be made pursuant to this section without proof of actual expenses incurred by a sheriff or his delegate. In no event shall the reimbursement for any prisoner exceed the rate set by the Per Diem and Mileage Act.

B. A county shall be reimbursed by the state for seventy-five percent of the actual expenses incurred for the care and feeding of prisoners in transit. Notwithstanding the provisions of this subsection, a single county shall not receive more than fifty percent of the total amount of money allocated to all counties as reimbursement."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2001. _____