

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.

H  
B  
3  
0  
8  
P  
a  
g  
e

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

1

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 a state institution or required to be returned by order of the court from a state institution to the county of commitment. Subject to appropriation by the legislature, the county shall be reimbursed by the state for the per diem, costs for 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."

H  
B  
3  
0  
8  
P  
a  
g  
e  
2

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. Reimbursement shall not be made pursuant to this section without proof of actual expenses incurred by a sheriff or his delegate. The reimbursement for any prisoner shall not exceed the rate set by the Per Diem and Mileage Act.

B. Subject to appropriation by the legislature, a county shall be reimbursed by the state for 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, ~~2008~~

Page 3