AN ACT

RELATING TO COURTS; EXPANDING THE USE OF THE MUNICIPAL COURT
AUTOMATION FUND TO INCLUDE OPERATING EXPENSES AND TEMPORARY
PERSONNEL COSTS.

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

Section 1. Section 34-9-12 NMSA 1978 (being Laws 1994,
Chapter 69, Section 3) is amended to read:

"34-9-12. MUNICIPAL COURT AUTOMATION FUND CREATED--
ADMINISTRATION--DISTRIBUTION.--

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

B. All balances in the municipal court automation
fund may be expended only upon application by a municipality
to the administrative office of the courts for the purpose of
purchasing, maintaining and operating a court automation
system in that municipality's courts. Operation includes
staff expenses, temporary or otherwise, and costs as needed to
comply with Section 35-14-12 NMSA 1978.

C. Payments from the municipal court automation
fund shall be made upon vouchers issued and signed by the
director of the administrative office of the courts. Any
purchase or lease purchase agreement entered into by a
municipality for a court automation system shall be in

accordance with the provisions of the Procurement Code."

Section 2. 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 ($20.00);

(2) a judicial education fee of two dollars ($2.00); and

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

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

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

(1) municipal jailer or juvenile detention

officer training;

        (2)   the construction planning, construction, operation and maintenance of a municipal jail or juvenile detention facility;

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

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

        (5)   providing inpatient treatment or other substance abuse programs in conjunction with or as an alternative to jail sentencing;

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

        (7)   providing electronic monitoring systems.

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

     F. All money collected pursuant to Paragraph (2) of Subsection B of this section shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including

production of bench books and other written materials, of
municipal judges and other municipal court employees.

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

        H. As used in this section, "convicted" means the
defendant has been found guilty of a criminal charge by a
municipal judge, either after trial, a plea of guilty or a
plea of nolo contendere."