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HOUSE BILL 128

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO LOCAL GOVERNMENT CORRECTIONS; EXPANDING MISDEMEANOR  
PENALTY ASSESSMENTS FOR THE COSTS OF LOCAL GOVERNMENT  
CORRECTIONS; PROVIDING FOR REDISTRIBUTION OF THE LOCAL  
GOVERNMENT CORRECTIONS FUND IN COUNTIES WITH A METROPOLITAN  
COURT; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF  
LAW IN LAWS 2009; PROVIDING FOR PENALTIES; MAKING AN  
APPROPRIATION.

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

Section 1. Section 33-3-25 NMSA 1978 (being Laws 1983,  
Chapter 134, Section 1, as amended) is amended to read:

"33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--  
ADMINISTRATION--DISTRIBUTION.--

A. There is created in the state treasury [a] the  
"local government corrections fund" to be administered by the  
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1 administrative office of the courts.

2 B. All balances in the local government corrections  
3 fund are appropriated to the administrative office of the  
4 courts for payment to counties and municipalities [~~in counties~~  
5 ~~with a metropolitan court~~] for use by counties and [~~those~~]  
6 municipalities for county or municipal jailer or juvenile  
7 detention officer training; for the construction planning,  
8 construction, maintenance and operation of the county detention  
9 facility, municipal jail or juvenile detention facility; for  
10 paying the cost of housing county or municipal prisoners or  
11 juveniles in any detention facility in the state; for  
12 alternatives to incarceration; or for complying with match or  
13 contribution requirements for the receipt of federal funds  
14 relating to detention facilities, jails or juvenile detention  
15 facilities. Payments shall be made quarterly upon  
16 certification by the magistrate court or metropolitan court and  
17 the motor vehicle division of the taxation and revenue  
18 department of eligible amounts as provided in Subsection C of  
19 this section.

20 C. Each county shall be eligible for a payment in  
21 an amount equal to the costs and fees collected by a magistrate  
22 court or a metropolitan court and the motor vehicle division  
23 pursuant to offenses committed within the county and deposited  
24 in the local government corrections fund [~~provided, in a county~~  
25 ~~with a metropolitan court, the county shall be eligible for a~~

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1 ~~payment in an amount equal to costs and fees collected pursuant~~  
2 ~~to offenses committed within the boundaries of the~~  
3 ~~unincorporated areas of the county, and a municipality in that~~  
4 ~~county shall be eligible for a payment in an amount equal to~~  
5 ~~the costs collected pursuant to offenses committed within the~~  
6 ~~boundaries of the municipality].~~

7 D. Payments from the local government corrections  
8 fund shall be made upon vouchers issued and signed by the  
9 director of the administrative office of the courts upon  
10 warrants drawn by the secretary of finance and administration.

11 E. All money received by a county or a municipality  
12 pursuant to this section shall be deposited in a special fund  
13 in the county or municipal treasury and shall be used solely  
14 for:

15 (1) county or municipal jailer or juvenile  
16 detention officer training;

17 (2) the construction planning, construction,  
18 maintenance and operation of the county detention facility,  
19 municipal jail or juvenile detention facility;

20 (3) paying the cost of housing county or  
21 municipal prisoners or juveniles in any detention facility in  
22 the state;

23 (4) alternatives to incarceration; or

24 (5) complying with match or contribution  
25 requirements for the receipt of federal funds relating to

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1 detention facilities, jails or juvenile detention facilities."

2 Section 2. Section 66-8-116.3 NMSA 1978 (being Laws 1989,  
3 Chapter 318, Section 35, Laws 1989, Chapter 319, Section 14 and  
4 also Laws 1989, Chapter 320, Section 5, as amended by Laws  
5 2009, Chapter 244, Section 1 and by Laws 2009, Chapter 245,  
6 Section 5) is amended to read:

7 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL  
8 FEES.--In addition to the penalty assessment established for  
9 each penalty assessment misdemeanor, there shall be assessed:

10 A. in a county without a metropolitan court, twenty  
11 dollars (\$20.00) to help defray the costs of local government  
12 corrections;

13 B. in a county with a metropolitan court, ten  
14 dollars (\$10.00) to help defray the costs of local government  
15 corrections;

16 [~~B.~~] C. a court automation fee of ten dollars  
17 (\$10.00);

18 [~~C.~~] D. a traffic safety fee of three dollars  
19 (\$3.00), which shall be credited to the traffic safety  
20 education and enforcement fund;

21 [~~D.~~] E. a judicial education fee of three dollars  
22 (\$3.00), which shall be credited to the judicial education  
23 fund;

24 [~~E.~~] F. a jury and witness fee of five dollars  
25 (\$5.00), which shall be credited to the jury and witness fee

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1 fund;

2 [~~E~~] G. a juvenile adjudication fee of one dollar  
3 (\$1.00), which shall be credited to the juvenile adjudication  
4 fund;

5 [~~F~~] H. a brain injury services fee of five dollars  
6 (\$5.00), which shall be credited to the brain injury services  
7 fund; and

8 [~~G~~] I. a court facilities fee as follows:  
9 in a county with a metropolitan court . . . . . \$24.00;  
10 in any other county . . . . . 10.00."

11 Section 3. Section 66-8-119 NMSA 1978 (being Laws 1968,  
12 Chapter 62, Section 159, as amended) is amended to read:

13 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

14 A. The division shall remit all penalty assessment  
15 receipts, except receipts collected pursuant to Subsections A  
16 through [~~G~~] I of Section 66-8-116.3 NMSA 1978, to the state  
17 treasurer for credit to the general fund.

18 B. The division shall remit all penalty assessment  
19 fee receipts collected pursuant to:

20 (1) Subsection A or B of Section 66-8-116.3  
21 NMSA 1978 to the state treasurer for credit to the local  
22 government corrections fund;

23 (2) Subsection [~~B~~] C of Section 66-8-116.3  
24 NMSA 1978 to the state treasurer for credit to the court  
25 automation fund;

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1                   (3) Subsection [~~G~~] D of Section 66-8-116.3  
2 NMSA 1978 to the state treasurer for credit to the traffic  
3 safety education and enforcement fund;

4                   (4) Subsection [~~D~~] E of Section 66-8-116.3  
5 NMSA 1978 to the state treasurer for credit to the judicial  
6 education fund;

7                   (5) Subsection [~~E~~] F of Section 66-8-116.3  
8 NMSA 1978 to the state treasurer for credit to the jury and  
9 witness fee fund;

10                   (6) Subsection G of Section 66-8-116.3 NMSA  
11 1978 to the state treasurer for credit to the juvenile  
12 adjudication fund;

13                   [~~(6)~~] (7) Subsection [~~F~~] H of Section  
14 66-8-116.3 NMSA 1978 to the state treasurer for credit to the  
15 brain injury services fund; and

16                   [~~(7)~~] (8) Subsection [~~G~~] I of Section  
17 66-8-116.3 NMSA 1978 to the state treasurer for credit to the  
18 court facilities fund."

19                   Section 4. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2010.