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SENATE BILL 226

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

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO COURTS; CREATING THE MAGISTRATE COURTS OPERATIONS  
FUND TO PROVIDE FOR THE OPERATIONS OF THE MAGISTRATE AND  
METROPOLITAN COURTS; IMPOSING A FEE ON PENALTY ASSESSMENT  
MISDEMEANORS; TERMINATING THE FUND AND THE FEE IN FOUR YEARS;  
RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN  
LAWS 2009; MAKING AN APPROPRIATION.

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

Section 1. A new section of Chapter 35 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] MAGISTRATE COURTS OPERATIONS FUND--  
CREATED--PURPOSE--TERMINATION OF FUND.--The "magistrate courts  
operations fund" is created in the state treasury for  
appropriation by the legislature for the operations of  
magistrate and metropolitan courts. The fund consists of  
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1 magistrate courts operations fees collected pursuant to Section  
2 66-8-116.3 NMSA 1978 and any appropriations, gifts, grants and  
3 donations. Income from the fund shall be credited to the fund.  
4 Money in the fund at the end of fiscal years 2010, 2011, 2012  
5 and 2013 shall not revert to any other fund. Balances  
6 remaining in the fund at the end of fiscal year 2014 shall  
7 revert to the general fund, and the fund shall be dissolved on  
8 July 1, 2014."

9 Section 2. Section 66-8-116.3 NMSA 1978 (being Laws 1989,  
10 Chapter 318, Section 35, Laws 1989, Chapter 319, Section 14 and  
11 also Laws 1989, Chapter 320, Section 5, as amended by Laws  
12 2009, Chapter 244, Section 1 and by Laws 2009, Chapter 245,  
13 Section 5) is amended to read:

14 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL  
15 FEES.--In addition to the penalty assessment established for  
16 each penalty assessment misdemeanor, there shall be assessed:

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

20 B. a court automation fee of ten dollars (\$10.00);

21 C. a traffic safety fee of three dollars (\$3.00),  
22 which shall be credited to the traffic safety education and  
23 enforcement fund;

24 D. a judicial education fee of three dollars  
25 (\$3.00), which shall be credited to the judicial education

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1 fund;

2 E. a jury and witness fee of five dollars (\$5.00),  
3 which shall be credited to the jury and witness fee fund;

4 [~~E.~~] F. a juvenile adjudication fee of one dollar  
5 (\$1.00), which shall be credited to the juvenile adjudication  
6 fund;

7 [~~F.~~] G. a brain injury services fee of five dollars  
8 (\$5.00), which shall be credited to the brain injury services  
9 fund; [~~and~~

10 ~~G.~~] H. a court facilities fee as follows:  
11 in a county with a metropolitan court . . . . . \$24.00;  
12 in any other county . . . . . 10.00;  
13 and

14 I. until May 31, 2014, a magistrate courts  
15 operations fee of four dollars (\$4.00), which shall be credited  
16 to the magistrate courts operations fund."

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

19 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

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

24 B. The division shall remit all penalty assessment  
25 fee receipts collected pursuant to:

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1 (1) Subsection A of Section 66-8-116.3 NMSA  
2 1978 to the state treasurer for credit to the local government  
3 corrections fund;

4 (2) Subsection B of Section 66-8-116.3 NMSA  
5 1978 to the state treasurer for credit to the court automation  
6 fund;

7 (3) Subsection C of Section 66-8-116.3 NMSA  
8 1978 to the state treasurer for credit to the traffic safety  
9 education and enforcement fund;

10 (4) Subsection D of Section 66-8-116.3 NMSA  
11 1978 to the state treasurer for credit to the judicial  
12 education fund;

13 (5) Subsection E of Section 66-8-116.3 NMSA  
14 1978 to the state treasurer for credit to the jury and witness  
15 fee fund;

16 (6) Subsection F of Section 66-8-116.3 NMSA  
17 1978 to the state treasurer for credit to the juvenile  
18 adjudication fund;

19 [~~(6)~~] (7) Subsection [~~F~~] G of Section  
20 66-8-116.3 NMSA 1978 to the state treasurer for credit to the  
21 brain injury services fund; [~~and~~

22 ~~(7)~~] (8) Subsection [~~G~~] H of Section  
23 66-8-116.3 NMSA 1978 to the state treasurer for credit to the  
24 court facilities fund; and

25 (9) Subsection I of Section 66-8-116.3 NMSA

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1 1978 to the state treasurer for credit to the magistrate courts  
2 operations fund."

3 Section 4. DELAYED REPEAL.--Section 1 of this act is  
4 repealed effective July 1, 2014.

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