

1 SENATE BILL 166

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Linda M. Lopez

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8 ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

9  
10 AN ACT

11 RELATING TO COURTS; CREATING THE APPELLATE TRANSCRIPTION FUND  
12 TO PAY THE COSTS OF APPELLATE TRANSCRIPTS IN ABUSE AND NEGLECT  
13 PROCEEDINGS AND INDIGENT CRIMINAL APPEALS; INCREASING DOCKET  
14 FEES IN THE SUPREME COURT AND COURT OF APPEALS; MAKING AN  
15 APPROPRIATION.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. A new section of Chapter 34 NMSA 1978 is  
19 enacted to read:

20 "[NEW MATERIAL] APPELLATE TRANSCRIPTION FUND--PURPOSE--  
21 ADMINISTRATION.--

22 A. The "appellate transcription fund" is created in  
23 the state treasury to be administered by the court of appeals.  
24 The fund consists of docket fees paid in the supreme court and  
25 the court of appeals as provided in Sections 34-2-5 and 34-5-6

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1 NMSA 1978.

2 B. Money in the appellate transcription fund is  
3 appropriated to the court of appeals for payment of costs  
4 associated with producing and administering transcripts and  
5 appeals in indigent criminal cases and in cases arising from  
6 abuse and neglect proceedings that are appealed to the court of  
7 appeals or to the supreme court.

8 C. Payments from the appellate transcription fund  
9 shall be made upon vouchers issued and signed by the chief  
10 clerk of the court of appeals upon warrants drawn by the  
11 secretary of finance and administration.

12 D. Any balance remaining in the appellate  
13 transcription fund at the end of a fiscal year shall not revert  
14 to the general fund."

15 SECTION 2. Section 34-2-5 NMSA 1978 (being Laws 1933,  
16 Chapter 81, Section 1, as amended) is amended to read:

17 "34-2-5. FEES--COLLECTION BY SUPREME COURT CLERK.--

18 A. The clerk of the supreme court shall collect the  
19 following fees:

20 [A.] (1) in all cases docketed in the court,  
21 ~~[except those in which statutory exemption exists and those in~~  
22 ~~which the court on showing of poverty may, by order, waive the~~  
23 ~~fee, one hundred twenty-five dollars (\$125), twenty-five~~  
24 ~~dollars (\$25.00) of which shall be deposited in the court~~  
25 ~~automation fund and ninety-six dollars (\$96.00) of which shall~~

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1 ~~be deposited in the court facilities]~~ two hundred twenty-five  
2 dollars (\$225), two hundred twenty-one dollars (\$221) of which  
3 shall be deposited in the appellate transcription fund;  
4 provided that in cases in which a motion to docket and dismiss  
5 an appeal is filed for failure to file a statement of the  
6 issues, the fee shall be twenty dollars (\$20.00), [~~ten dollars~~  
7 ~~(\$10.00) of which shall be deposited in the court automation~~  
8 ~~fund and ten dollars (\$10.00) of which shall be deposited in~~  
9 ~~the court facilities]~~ which shall be deposited in the appellate  
10 transcription fund;

11 [B-] (2) for one copy of files or a record,  
12 ten cents (\$.10) per folio and for additional copies ordered at  
13 the same time, five cents (\$.05) per folio;

14 [G-] (3) for comparing copies of files or  
15 records tendered to [him] the clerk, five cents (\$.05) per  
16 folio; and

17 [D-] (4) for each certificate, one dollar  
18 (\$1.00).

19 B. Docket fees shall not be collected in  
20 proceedings in forma pauperis, from state officers acting in  
21 their official capacity, where a statutory exemption exists or  
22 where the court, on a showing of poverty, waives the fee by  
23 order."

24 **SECTION 3.** Section 34-5-6 NMSA 1978 (being Laws 1966,  
25 Chapter 28, Section 6, as amended) is amended to read:

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1 "34-5-6. COURT OF APPEALS--FEES AND COSTS.--

2 A. The clerk of the court of appeals shall collect  
3 the following fees:

4 docket fee, [~~twenty-five dollars (\$25.00) of~~  
5 ~~which shall be deposited in the court~~  
6 ~~automation fund and one hundred dollars~~  
7 ~~(\$100) of]~~ which shall be deposited in  
8 the [~~court facilities~~] appellate transcription  
9 fund . . . . . [~~\$125.00~~] \$225.00

10 docket fee for cases in which a  
11 motion to docket and dismiss the  
12 appeal is filed for failure to file a  
13 docketing statement, [~~ten dollars (\$10.00)~~  
14 ~~of which shall be deposited in the court~~  
15 ~~automation fund and ten dollars (\$10.00) of]~~  
16 which shall be deposited in the [~~court facilities~~]  
17 appellate transcription fund . . . . . 20.00  
18 single copy of records, per typewritten folio . . . . .10  
19 each additional copy of records ordered at  
20 same time, per typewritten folio . . . . .05  
21 copies of records reproduced by photographic  
22 process, per page . . . . .10  
23 comparing copies of records tendered to [~~him~~] the clerk,  
24 per folio . . . . .05  
25 each certificate . . . . . 1.00.

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1           B. No fees or costs shall be required in proceedings  
2 in forma pauperis, from state officers acting in their official  
3 capacity or in any other case where a statutory exemption  
4 exists.

5           C. Except as otherwise specifically provided by  
6 law, the clerk of the court of appeals shall pay all fees and  
7 costs to the state treasurer for credit to the state general  
8 fund."

9           SECTION 4. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is July 1, 2011.