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HOUSE BILL 268

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Jim W. Hall

AN ACT

RELATING TO MUNICIPALITIES; ALLOWING CERTAIN BALANCES OF  
CORRECTIONS FEE COLLECTIONS TO BE TRANSFERRED TO A  
MUNICIPALITY'S GENERAL FUND.

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

**SECTION 1.** 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:

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- 1 (1) a corrections fee of twenty dollars  
2 (\$20.00);  
3 (2) a judicial education fee of three dollars  
4 (\$3.00); and  
5 (3) a court automation fee of six dollars  
6 (\$6.00).

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

11 D. Except as provided in Subsection E of this  
12 section, all money collected pursuant to Paragraph (1) of  
13 Subsection B of this section shall be deposited in a special  
14 fund in the municipal treasury and shall be used for:

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

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

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

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

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

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

7 (7) providing electronic monitoring systems.

8 E. If a municipality has a balance in its special  
9 corrections fee fund that is over the amount projected to be  
10 needed for the next fiscal year for any or all of the purposes  
11 of Subsection D of this section, the municipality may transfer  
12 the unneeded balance to the municipality's general fund. The  
13 local government division of the department of finance and  
14 administration must approve the transfer. The division shall  
15 base its approval on the municipality's history of use of the  
16 corrections fee and present and future corrections obligations  
17 of the municipality.

18 [~~E.~~] F. A municipality may credit the interest  
19 collected from fees deposited in the special fund pursuant to  
20 Subsection D of this section to the municipality's general  
21 fund.

22 [~~F.~~] G. All money collected pursuant to Paragraph  
23 (2) of Subsection B of this section shall be remitted monthly  
24 to the state treasurer for credit to the judicial education  
25 fund and shall be used for the education and training,

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1 including production of bench books and other written  
2 materials, of municipal judges and other municipal court  
3 employees.

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

15 ~~[H.]~~ I. As used in this section, "convicted" means  
16 the defendant has been found guilty of a criminal charge by a  
17 municipal judge, either after trial, a plea of guilty or a plea  
18 of nolo contendere."