

HOUSE BILL 139

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Micaela Lara Cadena

AN ACT

RELATING TO COURTS; ELIMINATING COURT FEES; REPEALING SECTIONS 31-12-6 THROUGH 31-12-8, 31-12-11, 31-12-13, 35-14-11 AND 66-8-116.3 NMSA 1978 (BEING LAWS 1858-1859, P. 30; LAWS 1981, CHAPTER 367, SECTIONS 1 AND 2; LAWS 2003, CHAPTER 387, SECTION 1; LAWS 2015, CHAPTER 10, SECTION 3; LAWS 1983, CHAPTER 134, SECTION 6; AND LAWS 1989, CHAPTER 318, SECTION 35, AS AMENDED).

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

SECTION 1. Section 31-12-9 NMSA 1978 (being Laws 1981, Chapter 367, Section 3, as amended) is amended to read:

"31-12-9. CRIME LABORATORY FUND CREATED--APPROPRIATION.--  
There is created in the state treasury the "crime laboratory fund". ~~[All fees collected pursuant to the provisions of Sections 31-12-7 and 31-12-8 NMSA 1978 shall be transmitted monthly to the administrative office of the courts for credit~~

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1 ~~to the crime laboratory fund. All balances in the crime~~  
2 ~~laboratory fund of fees collected pursuant to the provisions of~~  
3 ~~Subsection A of Section 31-12-7 NMSA 1978 are appropriated to~~  
4 ~~the administrative office of the courts for payment upon~~  
5 ~~invoice to the scientific laboratory division of the health and~~  
6 ~~environment department, the New Mexico state police crime~~  
7 ~~laboratory division and the Albuquerque police crime laboratory~~  
8 ~~for costs related to chemical and other tests and analyses~~  
9 ~~described in those sections and incurred by these laboratories~~  
10 ~~and local law enforcement agencies. Payments out of the crime~~  
11 ~~laboratory fund of fees collected pursuant to the provisions of~~  
12 ~~Subsection A of Section 31-12-7 NMSA 1978 shall be made on~~  
13 ~~vouchers issued and signed by the director of the~~  
14 ~~administrative office of the courts upon warrants drawn by the~~  
15 ~~department of finance and administration.] The fund consists of~~  
16 ~~gifts, grants, donations, appropriations and distributions to~~  
17 ~~the fund made pursuant to the Tax Administration Act. All~~  
18 ~~balances in the crime laboratory fund [of fees collected~~  
19 ~~pursuant to the provisions of Subsection B of Section 31-12-7~~  
20 ~~NMSA 1978] are appropriated to the traffic safety bureau of the~~  
21 ~~[transportation program division of the state highway and~~  
22 ~~transportation] department of transportation to provide funds~~  
23 ~~to approved comprehensive community programs for the prevention~~  
24 ~~of driving while under the influence of alcohol or drugs and~~  
25 ~~for other traffic safety purposes. Payment out of the crime~~

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1 laboratory fund [~~of fees collected pursuant to the provisions~~  
2 ~~of Subsection B of Section 31-12-7 NMSA 1978]~~ shall be made on  
3 vouchers issued and signed by the chief of the traffic safety  
4 bureau upon warrants drawn by the department of finance and  
5 administration."

6 SECTION 2. Section 31-12-12 NMSA 1978 (being Laws 2003,  
7 Chapter 387, Section 2, as amended) is amended to read:

8 "31-12-12. DOMESTIC VIOLENCE OFFENDER TREATMENT OR  
9 INTERVENTION FUND CREATED--APPROPRIATION--PROGRAM  
10 REQUIREMENTS.--

11 A. The "domestic violence offender treatment or  
12 intervention fund" is created in the state treasury. [~~All fees~~  
13 ~~collected pursuant to the provisions of Section 31-12-11 NMSA~~  
14 ~~1978 shall be transmitted monthly to the department of finance~~  
15 ~~and administration for credit to the domestic violence offender~~  
16 ~~treatment or intervention fund.] The fund consists of gifts,  
17 grants, donations, appropriations and distributions to the fund  
18 made pursuant to the Tax Administration Act.~~

19 B. Balances in the domestic violence offender  
20 treatment or intervention fund are appropriated to the  
21 children, youth and families department to provide funds to  
22 domestic violence offender treatment or intervention programs  
23 to defray the cost of providing treatment or intervention to  
24 domestic violence offenders. Unexpended or unencumbered  
25 balances remaining in the fund at the end of any fiscal year

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1 shall not revert to the general fund.

2 C. Payment out of the domestic violence offender  
3 treatment or intervention fund shall be made on vouchers issued  
4 and signed by the secretary of children, youth and families  
5 upon warrants drawn by the department of finance and  
6 administration.

7 D. In order to be eligible for money from the  
8 domestic violence offender treatment or intervention fund, a  
9 domestic violence offender treatment or intervention program  
10 shall include the following components in its program:

11 (1) an initial assessment to determine if a  
12 domestic violence offender will benefit from participation in  
13 the program;

14 (2) a written contract, which must be signed  
15 by the domestic violence offender, that sets forth:

16 (a) attendance and participation  
17 requirements;

18 (b) consequences for failure to attend  
19 or participate in the program; and

20 (c) a confidentiality clause that  
21 prohibits disclosure of information revealed during treatment  
22 or intervention sessions;

23 (3) strategies to hold domestic violence  
24 offenders accountable for their violent behavior;

25 (4) a requirement that group discussions are

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1 limited to members of the same gender;

2 (5) an education component that:

3 (a) defines physical, emotional, sexual,  
4 economic and verbal abuse and techniques for stopping those  
5 forms of abuse; and

6 (b) examines gender roles,  
7 socialization, the nature of violence, the dynamics of power  
8 and control and the effects of domestic violence on children;

9 (6) a requirement that a domestic violence  
10 offender not be under the influence of alcohol or drugs during  
11 a treatment or intervention session;

12 (7) a requirement, except with respect to a  
13 domestic violence offender who is a voluntary participant in  
14 the program, that the program provide monthly written reports  
15 to the presiding judge or the domestic violence offender's  
16 probation or parole officer regarding:

17 (a) proof of the domestic violence  
18 offender's enrollment in the program;

19 (b) progress reports that address the  
20 domestic violence offender's attendance, fee payments and  
21 compliance with other program requirements; and

22 (c) evaluations of progress made by the  
23 domestic violence offender and recommendations as to whether or  
24 not to require the offender's further participation in the  
25 program; and

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1 (8) a requirement that the term of the program  
2 be at least fifty-two weeks.

3 E. Counseling for couples shall not be a component  
4 of a domestic violence offender treatment or intervention  
5 program.

6 F. As used in this section, "domestic violence  
7 offender" means a person:

8 (1) convicted for an offense pursuant to the  
9 provisions of the Crimes Against Household Members Act;

10 (2) convicted for violating an order of  
11 protection granted by a court pursuant to the provisions of the  
12 Family Violence Protection Act;

13 (3) referred to a domestic violence offender  
14 treatment or intervention program by a judge, a domestic  
15 violence special commissioner or the parole board; or

16 (4) who voluntarily participates in a domestic  
17 violence offender treatment or intervention program."

18 SECTION 3. A new section of Chapter 31, Article 12 NMSA  
19 1978 is enacted to read:

20 "[NEW MATERIAL] RELIEF OF COURT DEBT FOR FEES OR COSTS.--  
21 The court, by its own motion or by defendant petition, may  
22 waive fees or costs assessed prior to July 1, 2024."

23 SECTION 4. Section 33-3-25 NMSA 1978 (being Laws 1983,  
24 Chapter 134, Section 1, as amended) is amended to read:

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

2 A. There is created in the state treasury the  
3 "local government corrections fund" to be administered by the  
4 ~~[administrative office of the courts]~~ local government division  
5 of the department of finance and administration. The fund  
6 consists of gifts, grants, donations, appropriations and  
7 distributions to the fund made pursuant to the Tax  
8 Administration Act.

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

25 C. ~~Each county shall be eligible for a payment in~~

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1 ~~an amount equal to the costs and fees collected by a magistrate~~  
2 ~~court or a metropolitan court and the motor vehicle division~~  
3 ~~pursuant to offenses committed within the county and deposited~~  
4 ~~in the local government corrections fund.~~

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

11 ~~[E.]~~ D. All money received by a county pursuant to  
12 this section shall be deposited in a special fund in the county  
13 treasury and shall be used solely for:

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

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

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

21 (4) alternatives to incarceration; or

22 (5) complying with match or contribution  
23 requirements for the receipt of federal funds relating to  
24 detention facilities, jails or juvenile detention facilities."

25 SECTION 5. Section 34-8A-12 NMSA 1978 (being Laws 1993,

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1 Chapter 261, Section 5) is amended to read:

2 "34-8A-12. METROPOLITAN COURT WARRANT ENFORCEMENT  
3 FUND--[FEE] ADMINISTRATION--USE OF MONEY IN FUND.--

4 A. There is created in the state treasury the  
5 "metropolitan court warrant enforcement fund" to be  
6 administered by the Bernalillo county metropolitan court.

7 ~~[B. Upon issuance of a bench warrant, the~~  
8 ~~Bernalillo county metropolitan court shall assess an~~  
9 ~~administrative fee of one hundred dollars (\$100) against the~~  
10 ~~individual whose arrest is commanded by the bench warrant.~~  
11 ~~Money collected pursuant to the fee assessment authorized by~~  
12 ~~this subsection shall be deposited in the metropolitan court~~  
13 ~~warrant enforcement fund.] The fund consists of gifts, grants,~~  
14 ~~donations, appropriations and distributions to the fund made~~  
15 ~~pursuant to the Tax Administration Act.~~

16 ~~[G.]~~ B. All balances in the metropolitan court  
17 warrant enforcement fund are appropriated to the Bernalillo  
18 county metropolitan court for the primary purpose of employing  
19 personnel and ~~[purchasing equipment and services to aid in the~~  
20 ~~collection of fines, fees or costs owed to the Bernalillo~~  
21 ~~county metropolitan court]~~ promoting compliance with court  
22 orders. After satisfaction of the primary purpose, any money  
23 remaining in the fund may, to the extent deemed necessary by  
24 the court, be used for the secondary purpose of partially  
25 reimbursing law enforcement agencies for the expense of serving

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1 bench warrants issued by the court, pursuant to an  
2 intergovernmental agreement entered into between the law  
3 enforcement agency and the court.

4 ~~[D-]~~ C. Payments from the metropolitan court  
5 warrant enforcement fund shall be made upon warrants drawn by  
6 the secretary of finance and administration pursuant to  
7 vouchers issued and signed by the Bernalillo county  
8 metropolitan court administrator.

9 ~~[E-]~~ D. Any balance remaining in the metropolitan  
10 court warrant enforcement fund at the end of a fiscal year  
11 shall not revert to the state general fund."

12 **SECTION 6.** Section 34-9-14 NMSA 1978 (being Laws 1998  
13 (1st S.S.), Chapter 6, Section 7, as amended) is amended to  
14 read:

15 "34-9-14. COURT FACILITIES FUND CREATED--ADMINISTRATION--  
16 DISTRIBUTION.--

17 A. The "court facilities fund" is created in the  
18 state treasury and shall be administered by the administrative  
19 office of the courts. The fund shall consist of court fees and  
20 lease and rental revenues transferred to or deposited in the  
21 fund, gifts, grants, donations, appropriations and distributions  
22 to the fund made pursuant to the Tax Administration Act.

23 B. All court facilities fees and other revenues  
24 deposited in the fund shall be distributed monthly to the New  
25 Mexico finance authority for deposit in a special bond fund or  
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1 account of the authority. The New Mexico finance authority may  
2 pledge irrevocably all of these distributions to the authority  
3 for the payment of principal, interest and any other expenses or  
4 obligations related to the bonds issued by the authority for  
5 financing the acquisition of real property and for the design,  
6 construction, furnishing and equipping of a new court building  
7 for the Bernalillo county metropolitan court in Albuquerque and  
8 of a parking facility adjacent to the court building.

9 C. Distributions from the court facilities fund to  
10 the New Mexico finance authority shall be made upon vouchers  
11 issued and signed by the director of the administrative office  
12 of the courts upon warrants drawn by the secretary of finance  
13 and administration.

14 D. Upon certification by the New Mexico finance  
15 authority that all payments of principal, interest and any other  
16 expenses or obligations related to the bonds issued by the  
17 authority for financing the acquisition of real property and for  
18 the design, construction, furnishing and equipping of a new  
19 court building for the Bernalillo county metropolitan court in  
20 Albuquerque and of a parking facility adjacent to the court  
21 building have been satisfied, the court facilities fee shall be  
22 eliminated."

23 SECTION 7. Section 34-13-1 NMSA 1978 (being Laws 1993,  
24 Chapter 273, Section 1) is amended to read:

25 "34-13-1. JUDICIAL EDUCATION FUND CREATED--

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1 ADMINISTRATION--INCOME TO THE FUND.--

2 A. The "judicial education fund" is created in the  
3 state treasury and shall be administered by the [~~institute of~~  
4 ~~public law at the university of New Mexico law school~~]  
5 administrative office of the courts. Money in the fund shall be  
6 invested by the state treasurer as provided by law and earnings  
7 of the fund shall be credited to the fund. Unexpended or  
8 unencumbered balances remaining in the fund at the end of any  
9 fiscal year shall not revert.

10 B. Money from the fund may only be expended upon  
11 appropriation by the legislature.

12 C. The judicial education fund consists of [~~judicial~~  
13 ~~education fees levied and collected pursuant to Sections 35-6-1,~~  
14 ~~35-7-4, 35-14-11, 66-8-116.3 and 66-8-119 NMSA 1978~~] gifts,  
15 grants, donations, appropriations to the fund and distributions  
16 to the fund made pursuant to the Tax Administration Act."

17 SECTION 8. Section 34-16-1 NMSA 1978 (being Laws 2009,  
18 Chapter 244, Section 2) is amended to read:

19 "34-16-1. JUVENILE ADJUDICATION FUND CREATED.--The  
20 "juvenile adjudication fund" is created in the state treasury to  
21 provide an alternative procedure of adjudication for juveniles  
22 charged with misdemeanor offenses to help alleviate the docket  
23 of the juvenile judicial system. The fund consists of [~~juvenile~~  
24 ~~adjudication fees levied and collected pursuant to Section~~  
25 ~~66-8-116.3 NMSA 1978~~] gifts, grants, donations, appropriations

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1 and distributions to the fund made pursuant to the Tax  
2 Administration Act. Money in the fund at the end of a fiscal  
3 year shall not revert to any other fund. The department of  
4 finance and administration shall administer the fund, and money  
5 in the fund is appropriated to the department of finance and  
6 administration to administer the fund and to provide an  
7 alternative adjudication process for juveniles charged with  
8 traffic offenses and other misdemeanors. Money expended to  
9 administer the fund shall not exceed five percent of the money  
10 credited to the fund in each fiscal year. Disbursements from  
11 the fund shall be made by warrant of the secretary of finance  
12 and administration pursuant to vouchers signed by the secretary  
13 or the secretary's authorized representative."

14 SECTION 9. Section 35-6-1 NMSA 1978 (being Laws 1968,  
15 Chapter 62, Section 92, as amended) is amended to read:

16 "35-6-1. MAGISTRATE COSTS--SCHEDULE [~~DEFINITION OF~~  
17 ~~"CONVICTED"~~].--

18 A. Magistrate judges, including metropolitan court  
19 judges, shall assess and collect and shall not waive, defer or  
20 suspend the following costs:

21	<del>[docket fee, criminal actions under Section 29-5-1 NMSA</del>	
22	<del>1978 . . . . .</del>	<del>\$ 1.00;</del>
23	<del>docket fee, to be collected prior to docketing any other</del>	
24	<del>criminal action, except as provided in Subsection B of</del>	
25	<del>Section 35-6-3 NMSA 1978. . . . .</del>	<del>20.00.</del>

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~~Proceeds from this docket fee shall be transferred to  
the administrative office of the courts for deposit in  
the court facilities fund;]~~

docket fee, twenty dollars (\$20.00) of which shall be  
deposited in the court automation fund and fifteen  
dollars (\$15.00) of which shall be deposited in the  
civil legal services fund, to be collected prior to  
docketing any civil action, except as provided in  
Subsection A of Section 35-6-3 NMSA 1978 72.00; and  
jury fee, to be collected from the party demanding trial by  
jury in any civil action at the time the demand is  
filed or made. . . . . 25.00.

copying fee, for making and certifying copies of any  
records in the court, for each page copied by  
photographic process . . . . . 0.50.

Proceeds from this copying fee shall be transferred to  
the administrative office of the courts for deposit in  
the court facilities fund; and

copying fee, for computer-generated or electronically  
transferred copies, per page . . . . . 1.00.

Proceeds from this copying fee shall be transferred  
to the administrative office of the courts for  
deposit in the court automation fund.

Except as otherwise specifically provided by law, docket  
fees shall be paid into the court facilities fund.

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1           B. Except as otherwise provided by law, no other costs  
2 or fees shall be charged or collected in the magistrate or  
3 metropolitan court.

4           C. The magistrate or metropolitan court may grant free  
5 process to any party in any civil proceeding or special  
6 statutory proceeding upon a proper showing of indigency. The  
7 magistrate or metropolitan court may deny free process if it  
8 finds that the complaint on its face does not state a cause of  
9 action.

10           ~~[D. As used in this subsection, "convicted" means the~~  
11 ~~defendant has been found guilty of a criminal charge by the~~  
12 ~~magistrate or metropolitan judge, either after trial, a plea of~~  
13 ~~guilty or a plea of nolo contendere. Magistrate judges,~~  
14 ~~including metropolitan court judges, shall assess and collect~~  
15 ~~and shall not waive, defer or suspend the following costs:~~

16                   ~~(1) corrections fee, to be collected upon~~  
17 ~~conviction from persons convicted of violating any provision of~~  
18 ~~the Motor Vehicle Code involving the operation of a motor~~  
19 ~~vehicle, convicted of a crime constituting a misdemeanor or a~~  
20 ~~petty misdemeanor or convicted of violating any ordinance that~~  
21 ~~may be enforced by the imposition of a term of imprisonment as~~  
22 ~~follows:~~

23                   ~~in a county with a metropolitan court       \$10.00;~~

24                   ~~in a county without a metropolitan court       20.00;~~

25                   ~~(2) court automation fee, to be collected upon~~

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1 ~~conviction from persons convicted of violating any provision of~~  
2 ~~the Motor Vehicle Code involving the operation of a motor~~  
3 ~~vehicle, convicted of a crime constituting a misdemeanor or a~~  
4 ~~petty misdemeanor or convicted of violating any ordinance that~~  
5 ~~may be enforced by the imposition of a term of imprisonment~~  
6 ~~10.00;~~

7 ~~(3) traffic safety fee, to be collected upon~~  
8 ~~conviction from persons convicted of violating any provision of~~  
9 ~~the Motor Vehicle Code involving the operation of a motor~~  
10 ~~vehicle 3.00;~~

11 ~~(4) judicial education fee, to be collected upon~~  
12 ~~conviction from persons convicted of operating a motor vehicle~~  
13 ~~in violation of the Motor Vehicle Code, convicted of a crime~~  
14 ~~constituting a misdemeanor or a petty misdemeanor or convicted~~  
15 ~~of violating any ordinance punishable by a term of imprisonment~~  
16 ~~3.00;~~

17 ~~(5) jury and witness fee, to be collected upon~~  
18 ~~conviction from persons convicted of operating a motor vehicle~~  
19 ~~in violation of the Motor Vehicle Code, convicted of a crime~~  
20 ~~constituting a misdemeanor or a petty misdemeanor or convicted~~  
21 ~~of violating any ordinance punishable by a term of imprisonment~~  
22 ~~5.00;~~

23 ~~(6) brain injury services fee, to be collected~~  
24 ~~upon conviction from persons convicted of violating any~~  
25 ~~provision of the Motor Vehicle Code involving the operation of a~~

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1 ~~motor vehicle~~—5.00;

2 and

3 ~~(7) court facilities fee, to be collected upon~~  
4 ~~conviction from persons convicted of violating any provision of~~  
5 ~~the Motor Vehicle Code involving the operation of a motor~~  
6 ~~vehicle, convicted of a crime constituting a misdemeanor or a~~  
7 ~~petty misdemeanor or convicted of violating any ordinance that~~  
8 ~~may be enforced by the imposition of a term of imprisonment as~~  
9 ~~follows:~~

10 ~~in a county with a metropolitan court~~—24.00;

11 ~~in any other county~~—10.00.

12 ~~E.]~~ D. Metropolitan court judges shall assess and  
13 collect and shall not waive, defer or suspend as costs a  
14 mediation fee not to exceed five dollars (\$5.00) for the  
15 docketing of small claims and criminal actions specified by  
16 metropolitan court rule. Proceeds of the mediation fee shall be  
17 deposited into the metropolitan court mediation fund."

18 SECTION 10. Section 35-6-3 NMSA 1978 (being Laws 1968,  
19 Chapter 62, Section 94, as amended) is amended to read:

20 "35-6-3. MAGISTRATE COSTS--ADVANCE PAYMENT.--~~[A.]~~ Except  
21 for parties granted free process because of indigency, any party  
22 filing any civil action or requesting services from the  
23 magistrate court shall pay in advance the costs required by law  
24 to be collected by magistrates.

25 ~~[B. Any person filing a complaint in a criminal action~~

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1 ~~in the magistrate court shall pay in advance the costs required~~  
2 ~~by law to be collected by magistrates, except that no costs~~  
3 ~~shall be collected from a person filing a complaint in a~~  
4 ~~criminal action alleging domestic violence, a campus security~~  
5 ~~officer, a municipal police officer, an Indian tribal or pueblo~~  
6 ~~law enforcement officer or from a full-time, salaried county or~~  
7 ~~state law enforcement officer filing the complaint.]"~~

8 SECTION 11. Section 35-6-4 NMSA 1978 (being Laws 1968,  
9 Chapter 62, Section 95, as amended) is amended to read:

10 "35-6-4. MAGISTRATE COSTS--WITNESS FEES--REIMBURSEMENT.--  
11 [A.] If the plaintiff prevails in a civil action in the  
12 magistrate court, the amount of costs collected by the  
13 magistrate in the action shall be added to the judgment entered  
14 against the defendant. Fees actually paid by the prevailing  
15 party in a civil action in the magistrate court for service of  
16 the complaint and summons and for service of subpoenas shall be  
17 taxed against the losing party. Witness fees as provided by law  
18 for proceedings in the district courts shall be taxed against  
19 the losing party in the action, subject to the limitations of  
20 the Rules of Civil Procedure for the Magistrate Courts.

21 ~~[B. As used in this subsection, "convicted" means the~~  
22 ~~defendant has been found guilty of a criminal charge by the~~  
23 ~~magistrate, either after trial, a plea of guilty or a plea of~~  
24 ~~nolo contendere. If the defendant is convicted in any criminal~~  
25 ~~action in the magistrate court, the magistrate shall attempt to~~

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1 ~~collect from the defendant the docket fee and other fees~~  
2 ~~established by law as costs in criminal actions. If the~~  
3 ~~defendant chooses not to contest a penalty assessment~~  
4 ~~misdemeanor pursuant to Section 66-8-116 NMSA 1978, the~~  
5 ~~magistrate shall not collect the docket fee, but shall collect~~  
6 ~~other costs as provided in Section 35-6-1 NMSA 1978. Any costs~~  
7 ~~so collected from the defendant shall be paid by the magistrate~~  
8 ~~to the administrative office of the courts, except that if the~~  
9 ~~complaining witness in the action paid such costs upon filing~~  
10 ~~the complaint in the action, the magistrate shall refund the~~  
11 ~~costs paid by the complaining witness.]"~~

12 SECTION 12. Section 35-6-5 NMSA 1978 (being Laws 1993,  
13 Chapter 261, Section 7) is amended to read:

14 "35-6-5. MAGISTRATE COURT WARRANT ENFORCEMENT FUND-- [FEE]  
15 ADMINISTRATION--USE OF MONEY IN FUND.--

16 A. There is created in the state treasury the  
17 "magistrate court warrant enforcement fund" to be administered  
18 by the administrative office of the courts.

19 ~~[B. Upon issuance of a bench warrant, a magistrate~~  
20 ~~court shall assess a fee of one hundred dollars (\$100) against~~  
21 ~~the individual whose arrest is commanded by the bench warrant.~~  
22 ~~Money collected pursuant to the fee assessment authorized by~~  
23 ~~this subsection shall be deposited in the magistrate court~~  
24 ~~warrant enforcement fund.] The fund consists of gifts, grants,~~  
25 ~~donations, appropriations and distributions to the fund made~~

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1 pursuant to the Tax Administration Act.

2 [G.] B. All balances in the magistrate court warrant  
3 enforcement fund are appropriated to the administrative office  
4 of the courts for the primary purpose of employing personnel and  
5 ~~[purchasing equipment and services to aid in the collection of~~  
6 ~~finances, fees or costs owed to the magistrate courts]~~ promoting  
7 compliance with court orders. After satisfaction of the primary  
8 purpose, any money remaining in the fund may, to the extent  
9 deemed necessary by the director of the administrative office of  
10 the courts, be used for the secondary purpose of partially  
11 reimbursing law enforcement agencies for the expense of serving  
12 bench warrants issued by the magistrate courts, pursuant to an  
13 intergovernmental agreement entered into between the law  
14 enforcement agency and the administrative office of the courts.

15 [D.] C. Payments from the magistrate court warrant  
16 enforcement fund shall be made upon warrants drawn by the  
17 secretary of finance and administration pursuant to vouchers  
18 issued and signed by the director of the administrative office  
19 of the courts.

20 [E.] D. Any balance remaining in the magistrate court  
21 warrant enforcement fund at the end of a fiscal year shall not  
22 revert to the state general fund."

23 SECTION 13. Section 35-7-4 NMSA 1978 (being Laws 1968,  
24 Chapter 62, Section 99, as amended) is amended to read:

25 "35-7-4. MAGISTRATE ADMINISTRATION--MONTHLY REMITTANCES.--

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1 Each magistrate court shall pay to the administrative office of  
2 the courts, not later than the date each month established by  
3 regulation of the director of the administrative office, the  
4 amount of all fines, forfeitures and costs collected by the  
5 court during the previous month, except for amounts disbursed in  
6 accordance with law. The administrative office shall return to  
7 each magistrate court a written receipt itemizing all money  
8 received. The administrative office shall deposit the amount of  
9 all fines and forfeitures with the state treasurer for credit to  
10 the current school fund. The administrative office shall  
11 deposit the amount of all costs assessed prior to July 1, 2024  
12 and collected on or after July 1, 2024, except all costs  
13 collected pursuant to [~~Subsections D and~~] Subsection E of  
14 Section 35-6-1 NMSA 1978, for credit to the general fund. The  
15 amount of all costs collected pursuant to [~~Subsections D and~~]  
16 Subsection E of Section 35-6-1 NMSA 1978 shall be credited [as  
17 follows:

18 A. ~~the amount of all costs collected pursuant to~~  
19 ~~Paragraph (1) of Subsection D of Section 35-6-1 NMSA 1978 for~~  
20 ~~credit to the local government corrections fund;~~

21 B. ~~the amount of all costs collected pursuant to~~  
22 ~~Paragraph (2) of Subsection D of Section 35-6-1 NMSA 1978 for~~  
23 ~~credit to the court automation fund;~~

24 C. ~~the amount of all costs collected pursuant to~~  
25 ~~Paragraph (3) of Subsection D of Section 35-6-1 NMSA 1978 for~~

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1 ~~credit to the traffic safety education and enforcement fund;~~

2 ~~D. the amount of all costs collected pursuant to~~  
3 ~~Paragraph (4) of Subsection D of Section 35-6-1 NMSA 1978 for~~  
4 ~~credit to the judicial education fund;~~

5 ~~E. the amount of all costs collected pursuant to~~  
6 ~~Paragraph (5) of Subsection D of Section 35-6-1 NMSA 1978 for~~  
7 ~~credit to the jury and witness fee fund;~~

8 ~~F. the amount of all costs collected pursuant to~~  
9 ~~Paragraph (6) of Subsection D of Section 35-6-1 NMSA 1978 for~~  
10 ~~credit to the brain injury services fund;~~

11 ~~G. the amount of all costs collected pursuant to~~  
12 ~~Paragraph (7) of Subsection D of Section 35-6-1 NMSA 1978 for~~  
13 ~~credit to the court facilities fund; and~~

14 ~~H. the amount of all costs collected pursuant to~~  
15 ~~Subsection E of Section 35-6-1 NMSA 1978 for credit] to the~~  
16 ~~metropolitan court mediation fund."~~

17 SECTION 14. Section 35-14-1 NMSA 1978 (being Laws 1961,  
18 Chapter 208, Section 1, as amended) is amended to read:

19 "35-14-1. MUNICIPAL COURT--CREATION.--

20 A. Except for municipalities with a population of  
21 fewer than two thousand five hundred or more than five thousand  
22 persons in the most recent federal decennial census lying within  
23 the boundaries of a class A county with a population of more  
24 than two hundred thousand persons in the most recent federal  
25 decennial census and municipalities that have adopted an

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1 effective ordinance pursuant to Subsection D of this section,  
2 there is established a municipal court in each incorporated  
3 municipality. The municipal courts shall be presided over by  
4 municipal judges. As used in Chapter 35, Articles 14 and 15  
5 NMSA 1978, "municipality" includes H class counties.

6 B. The governing body of a municipality that is not  
7 governed by home rule, territorial or special charter and having  
8 a population fewer than ten thousand persons in the most recent  
9 federal decennial census, where the municipal court is located  
10 twenty-five or fewer miles from the nearest magistrate court,  
11 may by resolution express its intent to designate the magistrate  
12 court of the county in which the municipality is located as the  
13 court having jurisdiction over municipal ordinances. Within  
14 fifteen days from the adoption of a resolution pursuant to this  
15 section, the governing body of the municipality shall create a  
16 "municipal ordinance jurisdiction advisory committee". The  
17 municipal ordinance jurisdiction advisory committee shall be  
18 composed of the following members, who shall be residents of the  
19 municipality:

- 20 (1) the mayor;
- 21 (2) a member of the governing body;
- 22 (3) a municipal judge;
- 23 (4) the chief of police; and
- 24 (5) three members of the public, each selected by  
25 the mayor, the governing body and the municipal judge.

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1 C. A municipal ordinance jurisdiction advisory  
2 committee shall:

3 (1) hold at least one public hearing on the  
4 question of designating the magistrate court of the county in  
5 which the municipality is located as the court having  
6 jurisdiction over municipal ordinances;

7 (2) hear testimony from all interested persons,  
8 including the mayor, the governing body and the municipal judge;  
9 and

10 (3) submit a report, including recommendations  
11 directly to the governing body of the municipality, with copies  
12 to the mayor and municipal judge.

13 D. Following receipt of a report from the municipal  
14 ordinance jurisdiction advisory committee, the governing body of  
15 a municipality may, subject to approval by the supreme court,  
16 adopt an ordinance upon a three-fourths' majority vote to  
17 designate the magistrate court of the county in which the  
18 municipality is located as the court having jurisdiction over  
19 municipal ordinances. An ordinance adopted shall become  
20 effective only upon supreme court approval and the expiration of  
21 the term of the municipal judge in office on the date of the  
22 supreme court's approval of the ordinance.

23 E. Within five days after the effective date of an  
24 ordinance adopted pursuant to Subsection D of this section, the  
25 governing body of the municipality shall:

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1 (1) forward a copy of the ordinance to the  
2 magistrate court and to the administrative office of the courts;  
3 and

4 (2) provide to the magistrate court copies of all  
5 municipal ordinances over which the magistrate court will have  
6 jurisdiction.

7 F. A magistrate court designated pursuant to  
8 Subsection D of this section shall, with respect to ordinances  
9 of the municipality:

10 (1) follow the rules of procedure for the  
11 municipal courts and the procedures provided by Chapter 35,  
12 Article 15 NMSA 1978; and

13 (2) impose no fine or sentence greater than that  
14 permitted for municipalities

15 ~~[(3) remit monthly to the state the court~~  
16 ~~automation and judicial education fees collected pursuant to~~  
17 ~~Subsection B of Section 35-14-11 NMSA 1978 as a result of~~  
18 ~~enforcement of municipal ordinances; and~~

19 ~~(4) remit monthly to the municipality the~~  
20 ~~corrections fee collected pursuant to Subsection B of Section~~  
21 ~~35-14-11 NMSA 1978 as a result of the enforcement of municipal~~  
22 ~~ordinances].~~

23 G. Any municipality that has passed an ordinance  
24 designating the magistrate court of the county in which the  
25 municipality is located as the court having jurisdiction over

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1 municipal ordinances may re-establish the municipal court as the  
2 court having jurisdiction over municipal ordinances through the  
3 following procedures:

4 (1) the governing body of the municipality may  
5 pass an ordinance rescinding the designation that was made  
6 pursuant to Subsection B of this section; or

7 (2) following receipt of a petition signed by at  
8 least twenty percent of the registered voters who voted in the  
9 last municipal election for the office of mayor:

10 (a) convene a municipal ordinance  
11 jurisdiction advisory committee pursuant to Subsection B of this  
12 section that shall make a report and recommendation, if any, to  
13 the governing body of the municipality; and

14 (b) the governing body shall indicate its  
15 assent to re-establishment of the municipal court by ordinance.

16 H. After July 1, 2024, no court shall assess post-  
17 adjudication fees previously authorized by statute and now  
18 repealed."

19 SECTION 15. Section 66-8-119 NMSA 1978 (being Laws 1968,  
20 Chapter 62, Section 159, as amended) is amended to read:

21 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

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

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1           B. The division shall remit all penalty assessment fee  
2 receipts assessed prior to July 1, 2024 and collected [pursuant  
3 to:

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

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

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

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

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

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

21                   ~~(7) Subsection G of Section 66-8-116.3 NMSA 1978~~  
22 ~~to the state treasurer for credit to the brain injury services~~  
23 ~~fund;~~

24                   ~~(8) Subsection H of Section 66-8-116.3 NMSA 1978~~  
25 ~~to the state treasurer for credit to the court facilities fund;~~

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1 and

2 ~~(9) Subsection I of Section 66-8-116.3 NMSA 1978~~  
3 ~~to the state treasurer for credit to the magistrate courts~~  
4 ~~operations fund] on or after July 1, 2024 to the state treasurer~~  
5 ~~for credit to the general fund."~~

6 SECTION 16. REPEAL.--Sections 31-12-6 through 31-12-8,  
7 31-12-11, 31-12-13, 35-14-11 and 66-8-116.3 NMSA 1978 (being  
8 Laws 1858-1859, p. 30; Laws 1981, Chapter 367, Sections 1 and 2;  
9 Laws 2003, Chapter 387, Section 1; Laws 2015, Chapter 10,  
10 Section 3; Laws 1983, Chapter 134, Section 6; and Laws 1989,  
11 Chapter 318, Section 35, as amended) are repealed.

12 SECTION 17. EFFECTIVE DATE.--The effective date of the  
13 provisions of this act is July 1, 2024.