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HOUSE BILL 403

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. DAVID PEDERSON

AN ACT

RELATING TO COURTS; PROVIDING FOR MEDIATION IN MAGISTRATE COURT;
CREATING A MAGISTRATE MEDIATION FUND; INCREASING FILING FEES;
MAKING AN APPROPRIATION.

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

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

"35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
"CONVICTED". --

A. Magistrate judges, including metropolitan court
judges, shall collect the following costs:

(1) docket fee, criminal actions under Section
29-5-1 NMSA 1978. \$ 1.00;

(2) docket fee, to be collected prior to
docketing any other criminal action, except as provided in

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1 Subsection B of Section 35-6-3 NMSA 1978. 20.00;

2 (3) docket fee, ten dollars (\$10.00) of which
3 shall be deposited in the court automation fund, to be collected
4 prior to docketing any civil action, except as provided in

5 Subsection A of Section 35-6-3 NMSA 1978. 47.00;

6 (4) jury fee, to be collected from the party
7 demanding trial by jury in any civil action at the time the
8 demand is filed or made 25.00;

9 (5) copying fee, for making and certifying
10 copies of any records in the court, for each page copied by
11 photographic process50;

12 and

13 (6) copying fee, for computer-generated or
14 electronically transferred copies, per page 1.00.

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

18 Except as otherwise specifically provided by law, docket
19 fees shall be paid into the general fund.

20 B. Except as otherwise provided by law, no other
21 costs or fees shall be charged or collected in the magistrate
22 or metropolitan court.

23 C. The magistrate or metropolitan court may grant
24 free process to any party in any civil proceeding or special
25 statutory proceeding upon a proper showing of indigency. The

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1 magistrate or metropolitan court may deny free process if it
2 finds that the complaint on its face does not state a cause of
3 action.

4 D. As used in this subsection, "convicted" means
5 the defendant has been found guilty of a criminal charge by the
6 magistrate or metropolitan judge, either after trial, a plea of
7 guilty or a plea of nolo contendere. Magistrate judges,
8 including metropolitan court judges, shall collect the
9 following costs:

10 (1) corrections fee, to be collected upon
11 conviction from persons convicted of violating any provision
12 of the Motor Vehicle Code involving the operation of a motor
13 vehicle, convicted of a crime constituting a misdemeanor or a
14 petty misdemeanor or convicted of violating any ordinance
15 that may be enforced by the imposition of a term of
16 imprisonment \$10.00;

17 (2) court automation fee, to be collected
18 upon conviction from persons convicted of violating any
19 provision of the Motor Vehicle Code involving the operation
20 of a motor vehicle, convicted of a crime constituting a
21 misdemeanor or a petty misdemeanor or convicted of violating
22 any ordinance that may be enforced by the imposition of a
23 term of imprisonment 10.00;

24 (3) traffic safety fee, to be collected upon
25 conviction from persons convicted of violating any provision

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1 of the Motor Vehicle Code involving the operation of a motor
2 vehicle 3.00;

3 and

4 (4) judicial education fee, to be collected
5 upon conviction from persons convicted of operating a motor
6 vehicle in violation of the Motor Vehicle Code, convicted of a
7 crime constituting a misdemeanor or a petty misdemeanor or
8 convicted of violating any ordinance punishable by a term of
9 imprisonment 1.00.

10 E. Metropolitan court judges shall collect as
11 costs a mediation fee not to exceed five dollars (\$5.00) for
12 the docketing of small claims and criminal actions specified
13 by metropolitan court rule. Proceeds of the mediation fee
14 shall be deposited into the metropolitan court mediation
15 fund.

16 F. Magistrate judges shall collect as costs a
17 mediation fee not to exceed five dollars (\$5.00) for the
18 docketing of civil actions, except as provided in Subsection
19 A of Section 35-6-3 NMSA 1978. Proceeds of the mediation fee
20 shall be deposited in the magistrate court mediation fund."

21 Section 2. [NEW MATERIAL] MAGISTRATE COURT MEDIATION
22 FUND-- CREATED-- ADMINISTRATION-- DISTRIBUTION. --

23 A. The "magistrate court mediation fund" is
24 created in the state treasury. The fund shall be
25 administered by the administrative office of the courts.

State of New Mexico House of Representatives

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 February 17, 1997
6

7
8 Mr. Speaker:

9 Your JUDICIARY COMMITTEE, to whom has been
10 referred

11
12 HOUSE BILL 403
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to
16 the APPROPRIATIONS AND FINANCE COMMITTEE.

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18 Respectfully submitted,
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23 _____
24 Thomas P. Foy, Chairman
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____
Not Adopted _____
(Chief Clerk)
(Chief Clerk)
Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, Larranaga, Luna, Rios, Sanchez, Stewart

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 5, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 403

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, lines 12 and 13, strike “; MAKING AN
APPROPRIATION”.

2. On page 5, lines 2 and 3, strike “appropriated to the
administrative office of the courts” and insert in lieu thereof
“subject to appropriation”.

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Respectfully submitted,

Max Coll, Chairman

Adopted _____

Not Adopted _____
(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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The roll call vote was 8 For 3 Against

Yes: 8

No: Bird, Buffett, Pearce

Excused: Knowles, Picraux, Saavedra, Varella, Wallace,
Watchman

Absent: None

M \H0403

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