1	SENATE BILL 265
2	43rd LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997
3	INTRODUCED BY
4	MICHAEL S. SANCHEZ
5	
6	
7	
8	
9	
10	AN ACT
11	RELATING TO COURTS; INCREASING CERTAIN COURT FEES; CREATING A
12	FUND; DEDICATING PROCEEDS IN THE FUND FOR THE PROVISION OF CIVIL
13	LEGAL SERVICES TO INDIGENT PERSONS; MAKING AN APPROPRIATION.
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	Section 1. Section 34-6-40 NMSA 1978 (being Laws 1968,
17	Chapter 69, Section 42, as amended) is amended to read:
18	"34-6-40. FINANCEFEES
19	A. District court clerks shall collect in civil
20	matters docketing any cause, whether original or reopened or by
21	appeal or transfer from any inferior court, a fee of [eighty-two
22	dollars (\$82.00)] one hundred seven dollars (\$107), ten dollars
23	(\$10.00) of which shall be deposited in the court automation
24	fund <u>and twenty-five dollars (\$25.00) of which shall be</u>
25	<u>deposited in the civil legal services fund</u> .

. 114870. 1

<u> Underscored mterial = new</u> [bracketed mterial] = delete

1	B. No fees or costs shall be taxed against the
2	state, its political subdivisions or the nonprofit corporations
3	authorized to be formed under the Educational Assistance Act.
4	C. Except as otherwise specifically provided by law,
5	docket fees shall be paid into the general fund."
6	Section 2. Section 35-6-1 NMSA 1978 (being Laws 1968,
7	Chapter 62, Section 92, as amended) is amended to read:
8	"35-6-1. MAGISTRATE COSTSSCHEDULEDEFINITION OF
9	"CONVI CTED"
10	A. Magistrate judges, including metropolitan court
11	judges, shall collect the following costs:
12	Docket fee, criminal actions under Section 29-5-1 NMSA
13	1978
14	Docket fee, to be collected prior to docketing any other
15	criminal action, except as provided in Subsection B of
16	Section 35-6-3 NMSA 1978
17	Docket fee, ten dollars (\$10.00) of which shall be
18	deposited in the court automation fund and fifteen
19	dollars (\$15.00) of which shall be deposited in the
20	civil legal services fund, to be collected prior to
21	docketing any civil action, except as provided in
22	Subsection A of Section 35-6-3 NMSA 1978 [47.00] <u>62.00</u>
23	Jury fee, to be collected from the party demanding trial
24	by jury in any civil action at the time the demand is
25	filed or made

. 114870. 1

- 2 -

1 Copying fee, for making and certifying copies of any records in the court, for each page copied by 2 photographic process 50 3 Copying fee, for computer-generated or electronically 4 transferred copies, per page 1.00. 5 Proceeds from this copying fee shall be transferred 6 to the administrative office of the courts for 7 deposit in the court automation fund. Except as 8 9 otherwise specifically provided by law, docket fees shall be paid into the general fund. 10 11 **B**. Except as otherwise provided by law, no other 12 costs or fees shall be charged or collected in the magistrate or 13 metropolitan court. 14 С. The magistrate or metropolitan court may grant free process to any party in any civil proceeding or special 15 16 statutory proceeding upon a proper showing of indigency. The 17 magistrate or metropolitan court may deny free process if it 18 finds that the complaint on its face does not state a cause of 19 action.

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

20

21

22

23

24

25

. 114870. 1

- 3 -

1	(1) corrections fee, to be collected upon							
2	conviction from persons convicted of violating any provision of							
3	the Motor Vehicle Code involving the operation of a motor							
4	vehicle, convicted of a crime constituting a misdemeanor or a							
5	petty misdemeanor or convicted of violating any ordinance that							
6	may be enforced by the imposition of a term of imprisonment							
7								
8	(2) court automation fee, to be collected upon							
9	conviction from persons convicted of violating any provision of							
10	the Motor Vehicle Code involving the operation of a motor							
11	vehicle, convicted of a crime constituting a misdemeanor or a							
12	petty misdemeanor or convicted of violating any ordinance that							
13	may be enforced by the imposition of a term of							
14	imprisonment							
15	(3) traffic safety fee, to be collected upon							
16	conviction from persons convicted of violating any provision of							
17	the Motor Vehicle Code involving the operation of a motor							
18	vehi cle							
19	and							
20	(4) judicial education fee, to be collected							
21	upon conviction from persons convicted of operating a motor							
22	vehicle in violation of the Motor Vehicle Code, convicted of a							
23	crime constituting a misdemeanor or a petty misdemeanor or							
24	convicted of violating any ordinance punishable by a term of							
25	imprisonment							
	. 114870. 1							
	Ĩ							

<u>Underscored material = new</u> [bracketed mterial] = delete

1 Ε. Metropolitan court judges shall collect as costs a mediation fee not to exceed five dollars (\$5.00) for the 2 docketing of small claims and criminal actions specified by 3 metropolitan court rule. Proceeds of the mediation fee shall be 4 deposited into the metropolitan court mediation fund." 5 [<u>NEW MATERIAL</u>] CIVIL LEGAL SERVICES FUND Section 3. 6 CREATED- - ADMINI STRATI ON- - DI STRI BUTI ON. - -7 There is created in the state treasury the "civil 8 A. 9 legal services fund" to be administered by the administrative 10 office of the courts. Balances in the civil legal services fund may be 11 **B**. 12 expended by the administrative office of the courts for the 13 purpose of entering into contracts with nonprofit organizations 14 that: 15 (1) offer a range of free or reduced-fee civil 16 legal services to indigent persons in New Mexico; and 17 (2)demonstrate the capacity to cooperate with 18 state and local bar associations, pro bono programs and private 19 attorneys to increase the availability of free or reduced-fee 20 civil legal services to indigent persons. 21 С. A contract entered into for the purpose of 22 providing civil legal services to indigent persons shall be in 23 accordance with the provisions of the Procurement Code. D. Balances in the civil legal services fund shall 24 25 not revert to the general fund at the end of any fiscal year.

Underscored material = new [bracketed material] = delete

. 114870. 1

- 5 -

1	E. Payments from the civil legal services fund shall									
2	be made upon vouchers issued and signed by the director of the									
3	administrative office of the courts upon warrants drawn by the									
4	secretary of finance and administration.									
5	Section 4. EFFECTIVE DATEThe effective date of the									
6	provisions of this act is July 1, 1997.									
7	- 6 -									
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
	. 114870. 1									

<u>Underscored material = new</u> [bracketed mterial] = delete

1	FORTY- THIRD LEGISLATURE
2	FIRST SESSION, 1997
3	
4	
5	February 12, 1997
6	
7	Mr. President:
8	
9	Your JUDICIARY COMMITTEE, to whom has been referred
10	
11	SENATE BILL 265
12	
13	has had it under consideration and reports same with
14	recommendation that it DO PASS , amended as follows:
15	
16	1. On page 5, lines 9 and 10, strike "administrative office
17	of the courts" and insert in lieu thereof "local government
18	division of the department of finance and administration".
19	
20	2. On page 5, line 11, after "fund" insert ", less
21	administrative costs as provided for in Subsection D of this
22	section, ".
23	
24	3. On page 5, line 12, strike "administrative office of the
25	court" and insert in lieu thereof "local government division of
	the department of finance and administration".
	. 114870. 1
	- 7 -

			FORTY- THIRD LEGISLATURE
		1	FIRST SESSION, 1997
		2	
			SJU/SB 265 Page 8
		4	
		5	4. On page 5, between lines 23 and 24, insert the following
			new subsection:
		7	
		8	"D. The local government division of the department of
			finance and administration may expend no more than five percent of
			the annual fund balance for administrative purposes.".
		11	
		12	5. Reletter the following subsections accordingly.
		13	
		14	6. On page 6, line 3, strike "administrative office of the
			courts" and insert in lieu thereof "local government division of
			the
M	lete		department of finance and administration".,
Ш	= de]	18	
		19	
teri	eris	20 91	
<u>Underscored</u> mterial		21 22	
core	eted	22 23	
ers	[bracketed_mterial]	23 24	
Und	[Pr	24 25	
		4J	
			. 114870. 1
			- 8 -

		1	FORTY- THIRD LEGISLATURE	
			FIRST SESSION, 1997	
		2		De co
		3	SJU/SB 265	Page 9
		4	and thence referred to the FINANCE COMMITTEE.	
		5		
		6	Respectfully submitted,	
		7		
		8		
		9		
		10		
		11	Fernando R Macias, Chairman	
		12 13		
		13 14		
		14 15		
		15 16	Adopted Not Adopted	
	æ	10	(Chief Clerk) (Chief Clerk)	
	delete			
	= de	18 19		
		19 20	Date	
iteri	erit	20 21		
<u>Underscored</u> mterial	bracketed_mterial	~1 22	Fhe roll call vote was <u>5</u> For <u>1</u> Against	
SCOF.	kete	23	Yes: 5	
<u>ider</u>	rac	24	No: Payne	
5		25	Excused: Tsosie, Vernon	
			Absent: None	
			. 114870. 1 - 9 -	

		1		RD LEGISLATURE ESSION, 1997
		2		
			SJU/SB 265	Page 10
		4		
			S0265JU1	. 116407. 1
		6		
		7		
		8		
		9		
		10		
		11		
		12		
		13		
		14		
		15		
		16		
۵.	ete	17		
= new] = dele	18		
		19		
<u>Underscored</u> mterial	[bracketed_mterial]	20		
mat	mte	21		
red	Ę	22		
rsco	eket	23		
<u>Inde</u>	bra	24		
	-	25		
			. 114870. 1	0 -

		FORTY- THIRD LEGISLATURE
	1	FIRST SESSION, 1997
	2	
	3	SJU/SB 265 Page 11
	4	
	5	
	6	FORTY- THIRD LEGISLATURE
	7	FIRST SESSION, 1997
	8	
	9	
	10	February 21, 1997
	11	
	12	Mr. President:
	13	
	14	Your FINANCE COMMITTEE , to whom has been referred
	15	
e)	16 17	SENATE BILL 265, as anended
<u>new</u> delete	17	
<u>= new</u> = del e	19	has had it under consideration and reports same with
	13 20	recommendation that it DO PASS .
<u>Underscored mterial</u> [bracketed mterial]	20 21	Respectfully submitted,
id m	22	Respectiuity submitted,
core	23	
<u>ders</u> rack	24	
	25	
		Ben D. Altanirano, Chairmn
		. 114870. 1 - 11 -

	-		THIRD LEGISI		
SJU/SB 26	5				Pa
Adopted			Not Adopted		
	(Chief Clerk)		(Chief Clerk)	
	_				
	Date				
The roll	call vote was	6 For	0 Against		
	6	<u> </u>			
	None				
Excused:	Aragon, Ingle	, Lyons,	McKibben, Ron	nero	
	None	-			
S0265FC1					

I

<u>Underscored mterial = new</u> [bracketed mterial] = delete

			State of New Mexico House of Representatives
		1	FORTY-THI RD LEGI SLATURE
		2	FIRST SESSION, 1997
		3	
		4	
		5	March 5, 1997
		6	
		7	Mr. Speaker:
		8	
		9	Your APPROPRIATIONS AND FINANCE COMMITTEE, to
		10	whom has been referred
		11	
		12	SENATE BILL 265, as anended
		13 14	has had it under consideration and reports same with
		14 15	recommendation that it DO PASS.
		16	
	0	17	Respectfully submitted,
new	delete	18	
п	ğ =	19	
	la l	20	
<u>Underscored</u> mterial	[bracketed_mterial]	21	Max Coll, Chairman
ed n	an þ	22	
SCOL	kete	23	
nder	brac	24	
5		25	
			. 114870. 1 - 13 -

							Page
Ador	oted			ŗ	Not Adopted		
	<u> </u>	(Chief C				(Chief (
				Date			
The	roll	call vot	e was 9) For 4	Agai nst		
Yes:		9	c nus <u>-</u>	_ 101	_ ngarnoe		
No:		Buffett,	Knowl es	s, Pearce	e, Wallace		
Εχςι	ised:	Bird, Ma	rquardt,	Picrau	k, Watchman		
Abse	ent:	None					
M:∖S0	265						

Underscored material = new [bracketed material] = delete