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HOUSE BILL 90

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

R. DAVID PEDERSON

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

**RELATING TO COURTS; PROVIDING FOR A MEDIATION PROGRAM 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 by Laws 1997, Chapter 242,
Section 3 and also by Laws 1997, Chapter 247, Section 1) 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;**

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1 (2) docket fee, to be collected prior to
2 docketing any other criminal action, except as provided in
3 Subsection B of Section 35-6-3 NMSA 1978 20.00;

4 (3) docket fee, ten dollars (\$10.00) of which
5 shall be deposited in the court automation fund, to be
6 collected prior to docketing any civil action, except as
7 provided in Subsection A of Section 35-6-3 NMSA 1978 47.00;

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

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

14 and

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

17 Proceeds from this copying fee shall be transferred to the
18 administrative office of the courts for deposit in the court
19 automation fund. Except as otherwise specifically provided by
20 law, docket fees shall be paid into the general fund.

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

24 C. The magistrate or metropolitan court may grant
25 free process to any party in any civil proceeding or special

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1 statutory proceeding upon a proper showing of indigency. The
2 magistrate or metropolitan court may deny free process if it
3 finds that the complaint on its face does not state a cause of
4 action.

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

11 (1) corrections fee, to be collected upon
12 conviction from persons convicted of violating any provision
13 of the Motor Vehicle Code involving the operation of a motor
14 vehicle, convicted of a crime constituting a misdemeanor or a
15 petty misdemeanor or convicted of violating any ordinance that
16 may be enforced by the imposition of a term of imprisonment
17 \$10.00;

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

25 (3) traffic safety fee, to be collected upon

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1 conviction from persons convicted of violating any provision
2 of the Motor Vehicle Code involving the operation of a motor
3 vehicle 3.00;

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 and

11 (5) brain injury services fee, to be
12 collected upon conviction from persons convicted of violating
13 any provision of the Motor Vehicle Code involving the
14 operation of a motor vehicle 5.00.

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

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

25 Section 2. [NEW MATERIAL] MAGISTRATE COURT MEDIATION

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FUND CREATED- - ADMINISTRATION- - DISTRIBUTION. - -

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

B. All balances in the magistrate court mediation fund are subject to appropriation for payment to magistrate courts for the purpose of funding and administering voluntary mediation programs. The mediation programs shall be established by supreme court rule for the efficient disposition of civil complaints.

C. Payments from the magistrate court mediation fund shall be made upon vouchers signed by the director of the administrative office of the courts upon warrants drawn by the secretary of finance and administration.

D. Any balance remaining in the magistrate court mediation fund at the end of a fiscal year shall not revert to the general fund.

Section 3. EFFECTIVE DATE. -The effective date of the provisions of this act is July 1, 1998.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 January 28, 1998
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
11

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

17 Respectfully submitted,
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21 _____
22 Thomas P. Foy, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

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4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 8 For 0 Against

11 Yes: 8

12 Excused: M P. Garcia, King, Mallory, Sanchez, Stewart

13 Absent: None

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