

BILL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO COURT ADMINISTRATION; CREATING THE LANGUAGE ACCESS  
FUND TO PROVIDE FOR LANGUAGE ACCESS SERVICES IN THE COURTS AND  
REMOVING LANGUAGE ACCESS SERVICES FROM THE JURY AND WITNESS FEE  
FUND.

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

**SECTION 1.** A new section of Chapter 34, Article 9 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] LANGUAGE ACCESS FUND--CREATED.--

A. There is created in the state treasury the  
"language access fund" to be administered by the administrative  
office of the courts.

B. All balances in the language access fund may be  
expended only upon appropriation by the legislature to the  
administrative office of the courts for the purpose of paying

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underscored material = new  
[bracketed material] = delete

1 the costs of:

2 (1) court interpreters;

3 (2) operating and staffing the New Mexico  
4 center for language access to accomplish its mission to provide  
5 and support programs that will help the courts obtain, improve  
6 or increase the availability of language access services;

7 (3) operating and staffing language access  
8 services for the administrative office of the courts;

9 (4) training for the purpose of enhancing  
10 language access services in the courts; and

11 (5) additional activities deemed necessary by  
12 the director of the administrative office of the courts to meet  
13 constitutional and statutory requirements for language access  
14 services in the courts and for court-related activities.

15 C. All fees and other revenue collected by the New  
16 Mexico center for language access and interest earned on money  
17 in the language access fund shall be credited to the fund.  
18 Payments shall be made upon certification by judicial agencies  
19 of eligible amounts. No part of the fund shall revert at the  
20 end of any fiscal year.

21 D. Payments from the language access fund shall be  
22 made upon vouchers issued and signed by the director of the  
23 administrative office of the courts or the director's designee  
24 upon warrants drawn by the secretary of finance and  
25 administration."

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1           SECTION 2. Section 34-9-11 NMSA 1978 (being Laws 1993,  
2 Chapter 106, Section 1, as amended) is amended to read:

3           "34-9-11. JURY AND WITNESS FEE FUND CREATED--  
4 ADMINISTRATION--DISTRIBUTION.--

5           A. There is created in the state treasury the "jury  
6 and witness fee fund" to be administered by the administrative  
7 office of the courts.

8           B. All balances in the jury and witness fee fund  
9 may be expended only upon appropriation by the legislature to  
10 the administrative office of the courts for the purpose of  
11 paying the costs of:

12                   (1) jurors and prospective jurors;

13                   (2) witnesses of fact or character subpoenaed  
14 by the court, the prosecution or the defense;

15                   (3) expert witnesses for grand juries and  
16 magistrate courts; and

17                   ~~[(4) court interpreters; and~~

18                   ~~(5)]~~ (4) defending persons whom the court has  
19 ordered ~~[the]~~ a public defender to represent, when those  
20 persons do not meet the public ~~[defender's]~~ defender  
21 department's indigency standards.

22           C. All jury fees that the courts collect from  
23 parties requesting civil juries, except for jury demand fees as  
24 set forth in Section 35-6-1 NMSA 1978, and interest earned on  
25 money in the jury and witness fee fund shall be credited to the

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1 fund. Payments shall be made upon certification by judicial  
2 agencies of eligible amounts. No part of the fund shall revert  
3 at the end of any fiscal year.

4 D. Payments from the jury and witness fee fund  
5 shall be made upon vouchers issued and signed by the director  
6 of the administrative office of the courts or [~~his~~] the  
7 director's designee upon warrants drawn by the secretary of  
8 finance and administration."

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