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\_\_\_\_\_ BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO COURTS; INCREASING THE MAXIMUM MEDIATION FEE AMOUNT  
A METROPOLITAN COURT SHALL ASSESS.

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 assess and collect and shall not waive, defer or  
suspend the following costs:

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

docket fee, to be collected prior to docketing any other  
criminal action, except as provided in Subsection B

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1 of Section 35-6-3 NMSA 1978. . . . . 20.00.  
2 Proceeds from this docket fee shall be transferred  
3 to the administrative office of the courts for  
4 deposit in the court facilities fund;  
5 docket fee, twenty dollars (\$20.00) of which shall be  
6 deposited in the court automation fund and fifteen  
7 dollars (\$15.00) of which shall be deposited in the  
8 civil legal services fund, to be collected prior to  
9 docketing any civil action, except as provided in  
10 Subsection A of Section 35-6-3 NMSA 1978 . . 72.00;  
11 jury fee, to be collected from the party demanding trial  
12 by jury in any civil action at the time the demand  
13 is filed or made . . . . . 25.00;  
14 copying fee, for making and certifying copies of any  
15 records in the court, for each page copied by  
16 photographic process . . . . . 0.50.  
17 Proceeds from this copying fee shall be transferred  
18 to the administrative office of the courts for  
19 deposit in the court facilities fund; and  
20 copying fee, for computer-generated or electronically  
21 transferred copies, per page . . . . . 1.00.  
22 Proceeds from this copying fee shall be transferred  
23 to the administrative office of the courts for  
24 deposit in the court automation fund.

25 Except as otherwise specifically provided by law, docket

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1 fees shall be paid into the court facilities fund.

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

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

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

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

- 24 in a county with a metropolitan court . . . . . \$10.00;
- 25 in a county without a metropolitan court . . . . . 20.00;

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1                   (2) court automation 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  
7 imprisonment . . . . . 10.00;

8                   (3) traffic safety 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 . . . . . 3.00;

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

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

24                   (6) brain injury services fee, to be collected  
25 upon conviction from persons convicted of violating any

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1 provision of the Motor Vehicle Code involving the operation of  
2 a motor vehicle . . . . . 5.00;

3 and

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

11 in a county with a metropolitan court . . . . . 24.00;  
12 in any other county . . . . . 10.00.

13 E. Metropolitan court judges shall assess and collect  
14 and shall not waive, defer or suspend as costs a mediation fee  
15 not to exceed [~~five dollars (\$5.00)~~] fifteen dollars (\$15.00)  
16 for the docketing of small claims and criminal actions  
17 specified by metropolitan court rule. Proceeds of the  
18 mediation fee shall be deposited into the metropolitan court  
19 mediation fund."