

AN ACT

RELATING TO COURT-LEVIED FEES; INCREASING THE AMOUNT OF JUDICIAL  
EDUCATION, MUNICIPAL CORRECTIONS AND LOCAL GOVERNMENT  
CORRECTIONS FEES; EXPANDING THE USE OF CERTAIN FEES; MAKING AN  
APPROPRIATION.

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

Section 1. Section 33-3-25 NMSA 1978 (being Laws 1983, Chapter 134,  
Section 1, as amended) is amended to read:

"33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED--  
ADMINISTRATION--DISTRIBUTION.--

A. There is created in the state treasury a "local government  
corrections fund" to be administered by the administrative office of the courts.

B. All balances in the local government corrections fund are  
appropriated to the administrative office of the courts for payment to counties and  
municipalities in counties with a metropolitan court for use by counties and those  
municipalities for county or municipal jailer or juvenile detention officer training; for the  
construction planning, construction, maintenance and operation of the county  
detention facility, municipal jail or juvenile detention facility; for paying the cost of  
housing county or municipal prisoners or juveniles in any detention facility in the state;  
for alternatives to incarceration; or for complying with match or contribution  
requirements for the receipt of federal funds relating to detention facilities, jails or  
juvenile detention facilities. Payments shall be made quarterly upon certification by the  
magistrate court or metropolitan court and the motor vehicle division of the taxation

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and revenue department of eligible amounts as provided in Subsection C of this section.

C. Each county shall be eligible for a payment in an amount equal to the costs and fees collected by a magistrate court or a metropolitan court and the motor vehicle division pursuant to offenses committed within the county and deposited in the local government corrections fund; provided, in a county with a metropolitan court, the county shall be eligible for a payment in an amount equal to costs and fees collected pursuant to offenses committed within the boundaries of the unincorporated areas of the county, and a municipality in that county shall be eligible for a payment in an amount equal to the costs collected pursuant to offenses committed within the boundaries of the municipality.

D. Payments from the local government corrections fund shall be made upon vouchers issued and signed by the director of the administrative office of the courts upon warrants drawn by the secretary of finance and administration.

E. All money received by a county or a municipality pursuant to this section shall be deposited in a special fund in the county or municipal treasury and shall be used solely for:

- (1) county or municipal jailer or juvenile detention officer training;
- (2) the construction planning, construction, maintenance and operation of the county detention facility, municipal jail or juvenile detention facility;
- (3) paying the cost of housing county or municipal prisoners or juveniles in any detention facility in the state;
- (4) alternatives to incarceration; or

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(5) complying with match or contribution requirements for the receipt of federal funds relating to detention facilities, jails or juvenile detention facilities."

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Section 2. Section 35-6-1 NMSA 1978 (being Laws 1968, Chapter 62, Section 92, as amended by Laws 2001, Chapter 277, Section 2 and also by Laws 2001, Chapter 279, Section 2) is amended to read:

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

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A. Magistrate judges, including metropolitan court judges, shall assess and collect and shall not waive, defer or suspend the following costs:

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docket fee, criminal actions under Section 29-5-1 NMSA .....	P	1978	\$ 1.0
docket fee, to be collected prior to docketing any other	a		
criminal action, except as provided in Subsection B	g		
of Section 35-6-3 NMSA 1978 .....	e		
	3		
		20.00.	

Proceeds from this docket fee shall be transferred to the administrative office of the courts for deposit in the court facilities fund;

docket fee, ten dollars (\$10.00) of which shall be deposited in the court automation fund and fifteen ..... dollars (\$15.00)

jury fee, to be collected from the party demanding trial by jury in any civil action at the time the demand is filed or made.....25.00;

copying fee, for making and certifying copies of any records in the court, for each page copied by photographic process..... .50.

Proceeds from this copying fee shall be transferred to the administrative office of the courts for deposit in the court facilities fund;

and  
copying fee, for computer-generated or electronically  
transferred copies, per page ..... 1.00.  
Proceeds from this copying fee shall be transferred  
to the administrative office of the courts for  
deposit in the court automation fund.  
Except as otherwise specifically provided by law, docket fees shall be paid into  
the court facilities fund.  
B. Except as otherwise provided by law, no other costs or fees shall be  
charged or collected in the magistrate or metropolitan court.  
C. The magistrate or metropolitan court may grant free process to any  
party in any civil proceeding or special statutory proceeding upon a proper showing of  
indigency. The magistrate or metropolitan court may deny free process if it finds that  
the complaint on its face does not state a cause of 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 assess and collect and shall not waive, defer or  
suspend the following costs:  
(1) corrections fee, to be collected upon conviction from  
persons convicted of violating any provision of the Motor Vehicle Code involving the  
operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a  
petty misdemeanor or convicted of violating any ordinance that may be enforced by  
the imposition of a term of imprisonment as follows:

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in a county with a metropolitan court . . . . .	\$10.00;	H
in a county without a metropolitan court . . . . .	20.00;	A
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(2) court automation fee, to be collected upon conviction from		C
persons convicted of violating any provision of the Motor Vehicle Code involving the		/
operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a		H
petty misdemeanor or convicted of violating any ordinance that may be enforced by		B
the imposition of a term of imprisonment .....	10.00;	2
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(3) traffic safety fee, to be collected upon		&
conviction from persons convicted of violating any provision of the Motor Vehicle Code		3
involving the operation of a motor vehicle .....	3.00;	3
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(4) judicial education fee, to be collected upon conviction from		P
persons convicted of operating a motor vehicle in violation of the Motor Vehicle Code,		a
convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted		9
of violating any ordinance punishable by a term of		e
imprisonment . . . . .	2.00;	5
(5) brain injury services fee, to be collected upon conviction		
from persons convicted of violating any provision of the Motor Vehicle Code involving		
the operation of a motor vehicle .....	5.00;	
and		
(6) court facilities fee, to be collected upon conviction from		
persons convicted of violating any provision of the Motor Vehicle Code involving the		
operation of a motor vehicle, convicted of a crime constituting a misdemeanor or a		
petty misdemeanor or convicted of violating any ordinance that may be enforced by		
the imposition of a term of imprisonment as follows:		

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

E. Metropolitan court judges shall assess and collect and shall not waive, defer or suspend as costs a mediation fee not to exceed five dollars (\$5.00) for the docketing of small claims and criminal actions specified by metropolitan court rule. Proceeds of the mediation fee shall be deposited into the metropolitan court mediation fund."

Section 3. Section 35-14-11 NMSA 1978 (being Laws 1983, Chapter 134, Section 6, as amended) is amended to read:

"35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--  
COLLECTION--PURPOSE.--

A. Every municipality shall enact an ordinance requiring assessment of corrections fees, judicial education fees and court automation fees to be collected as court costs and used as provided in this section.

B. A municipal judge shall collect the following costs:

- (1) a corrections fee of twenty dollars (\$20.00);
- (2) a judicial education fee of two dollars (\$2.00); and
- (3) a court automation fee of six dollars (\$6.00).

C. The fees are to be collected upon conviction from persons convicted of violating any ordinance relating to the operation of a motor vehicle or any ordinance that may be enforced by the imposition of a term of imprisonment.

D. All money collected pursuant to Paragraph (1) of Subsection B of this section shall be deposited in a special fund in the municipal treasury and shall be used for:

- (1) municipal jailer or juvenile detention officer training;
- (2) the construction planning, construction, operation and maintenance of a municipal jail or juvenile detention facility;
- (3) paying the cost of housing municipal prisoners in a county jail or detention facility or housing juveniles in a detention facility;
- (4) complying with match or contribution requirements for the receipt of federal funds relating to jails or juvenile detention facilities;
- (5) providing inpatient treatment or other substance abuse programs in conjunction with or as an alternative to jail sentencing;
- (6) defraying the cost of transporting prisoners to jails or juveniles to juvenile detention facilities; or
- (7) providing electronic monitoring systems.

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E. A municipality may credit the interest collected from fees deposited in the special fund pursuant to Subsection D of this section to the municipality's general fund.

F. All money collected pursuant to Paragraph (2) of Subsection B of this section shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including production of bench books and other written materials, of municipal judges and other municipal court employees.

G. All money collected pursuant to Paragraph (3) of Subsection B of this section shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase and maintenance of court automation systems in the municipal courts. The court automation systems shall have the capability of providing, on a timely basis, electronic records in a format specified by

the judicial information systems council.

H. As used in this section, "convicted" means the defendant has been found guilty of a criminal charge by a municipal judge, either after trial, a plea of guilty or a plea of nolo contendere."

Section 4. Section 66-8-116.3 NMSA 1978 (being Laws 1989, Chapter 320, Section 5, as amended) is amended to read:

"66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL FEES.-

-In addition to the penalty assessment established for each penalty assessment misdemeanor, there shall be assessed:

A. in a county without a metropolitan court, twenty dollars (\$20.00) to help defray the costs of local government corrections;

B. a court automation fee of ten dollars (\$10.00);

C. a traffic safety fee of three dollars (\$3.00), which shall be credited to the traffic safety education and enforcement fund;

D. a judicial education fee of two dollars (\$2.00), which shall be credited to the judicial education fund;

E. a brain injury services fee of five dollars (\$5.00), which shall be credited to the brain injury services fund; and

F. a court facilities fee as follows:

in a county with a metropolitan court .....\$24.00;

in any other county .....10.00."

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2003.

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