

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 228

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

W. Ken Martinez

FOR THE CORRECTIONS OVERSIGHT AND JUSTICE COMMITTEE

AN ACT

**RELATING TO LOCAL GOVERNMENT; INCREASING THE AMOUNT OF LOCAL
GOVERNMENT CORRECTIONS FEES; AMENDING SECTIONS OF THE NMSA
1978; 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**

underscored material = new
[bracketed material] = delete

1 with a metropolitan court for use by counties and those
2 municipalities for county or municipal jailer or juvenile
3 detention officer training; for the construction planning,
4 construction, maintenance and operation of the county [~~or~~]
5 detention facility, municipal jail or juvenile detention
6 facility; [~~to pay~~] for paying the cost of housing county or
7 municipal prisoners or juveniles in any detention facility in
8 the state; for alternatives to incarceration; or for complying
9 with match or contribution requirements for the receipt of
10 federal funds relating to detention facilities, jails [~~a~~] or
11 juvenile detention [~~facility~~] facilities. Payments shall be
12 made quarterly upon certification by the magistrate court or
13 metropolitan court and the motor vehicle division of the
14 taxation and revenue department of eligible amounts as provided
15 in Subsection C of this section.

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

. 142476. 2

underscored material = new
[bracketed material] = delete

1 the costs collected pursuant to offenses committed within the
2 boundaries of the municipality.

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

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

11 (1) county or municipal jailer or juvenile
12 detention officer training [~~for~~];

13 (2) the construction planning, construction,
14 maintenance and operation of the county [~~or~~] detention
15 facility, municipal jail or juvenile detention facility [~~to~~
16 pay];

17 (3) paying the cost of housing county or
18 municipal prisoners or juveniles in any detention facility in
19 the state;

20 (4) alternatives to incarceration; or

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

24 Section 2. Section 35-6-1 NMSA 1978 (being Laws 1968,
25 Chapter 62, Section 92, as amended by Laws 2001, Chapter 277,
. 142476. 2

underscored material = new
[bracketed material] = delete

1 Section 2 and also by Laws 2001, Chapter 279, Section 2) is
2 amended to read:

3 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
4 "CONVICTED".--

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

8 docket fee, criminal actions under Section 29-5-1 NMSA
9 1978 \$ 1.00;

10 docket fee, to be collected prior to docketing any other
11 criminal action, except as provided in Subsection B
12 of Section 35-6-3 NMSA 1978 20.00.

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

16 docket fee, ten dollars (\$10.00) of which shall be
17 deposited in the court automation fund and fifteen
18 dollars (\$15.00) of which shall be deposited in the
19 civil legal services fund, to be collected prior to
20 docketing any civil action, except as provided in
21 Subsection A of Section 35-6-3 NMSA 1978 . . 62.00;

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

25 copying fee, for making and certifying copies of any

underscored material = new
[bracketed material] = delete

1 including metropolitan court judges, shall assess and collect
2 and shall not waive, defer or suspend the following costs:

3 (1) corrections fee in any county without a
4 metropolitan court, to be collected upon conviction from
5 persons convicted of violating any provision of the Motor
6 Vehicle Code involving the operation of a motor vehicle,
7 convicted of a crime constituting a misdemeanor or a petty
8 misdemeanor or convicted of violating any ordinance that may be
9 enforced by the imposition of a term of imprisonment
10 [~~\$10.00~~] \$20.00;

11 (2) court automation fee, to be collected upon
12 conviction from persons convicted of violating any provision of
13 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 (3) traffic safety fee, to be collected upon
19 conviction from persons convicted of violating any provision of
20 the Motor Vehicle Code involving the operation of a motor
21 vehicle 3.00;

22 (4) judicial education fee, to be collected
23 upon conviction from persons convicted of operating a motor
24 vehicle in violation of the Motor Vehicle Code, convicted of a
25 crime constituting a misdemeanor or a petty misdemeanor or

underscored material = new
[bracketed material] = delete

1 convicted of violating any ordinance punishable by a term of
2 imprisonment 1.00;

3 (5) brain injury services fee, to be collected
4 upon conviction from persons convicted of violating any
5 provision of the Motor Vehicle Code involving the operation of
6 a motor vehicle 5.00;

7 and

8 (6) court facilities 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 imprisonment as
14 follows:

15 in a county with a metropolitan court 24.00;

16 in any other county 10.00.

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

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

25 "35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--

. 142476. 2

underscored material = new
[bracketed material] = delete

1 COLLECTION-- PURPOSE. --

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

6 B. As used in this subsection, "convicted" means
7 the defendant has been found guilty of a criminal charge by a
8 municipal judge, either after trial, a plea of guilty or a plea
9 of nolo contendere. A municipal judge shall collect the
10 following costs:

11 (1) a corrections fee of [~~ten dollars~~
12 ~~(\$10.00)~~] twenty dollars (\$20.00);

13 (2) a judicial education fee of one dollar
14 (\$1.00); and

15 (3) a court automation fee of six dollars
16 (\$6.00).

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

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

24 (1) municipal jailer or juvenile detention
25 officer training [~~for~~];

. 142476. 2

underscored material = new
[bracketed material] = delete

1 (2) the construction planning, construction,
2 operation and maintenance of a municipal jail or juvenile
3 detention facility ~~[for]~~;

4 (3) paying the cost of housing municipal
5 prisoners in a county jail or detention facility or housing
6 juveniles in a detention facility; or

7 (4) ~~[for]~~ complying with match or contribution
8 requirements for the receipt of federal funds relating to jails
9 or juvenile detention facilities.

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

16 F. All money collected pursuant to Paragraph (3) of
17 Subsection B of this section shall be remitted monthly to the
18 state treasurer for credit to the municipal court automation
19 fund and shall be used for the purchase and maintenance of
20 court automation systems in the municipal courts. The court
21 automation systems shall have the capability of providing, on a
22 timely basis, electronic records in a format specified by the
23 judicial information system council."

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

. 142476. 2

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

"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, [~~ten dollars (\$10.00)~~] 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 one dollar (\$1.00), 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.