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HOUSE BILL 334

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

INTRODUCED BY

Manuel G. Herrera

AN ACT

RELATING TO MUNICIPAL COURTS; EXPANDING THE USE OF THE
CORRECTIONS FEE COLLECTED IN MUNICIPAL COURTS; AMENDING A
SECTION OF THE NMSA 1978.

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

Section 1. 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. ~~[As used in this subsection, "convicted" means
the defendant has been found guilty of a criminal charge by a~~

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1 ~~municipal judge, either after trial, a plea of guilty or a plea~~
2 ~~of nolo contendere.]~~ A municipal judge shall collect the
3 following costs:

- 4 (1) a corrections fee of ten dollars (\$10.00);
5 (2) a judicial education fee of one dollar
6 (\$1.00); and
7 (3) a court automation fee of six dollars
8 (\$6.00).

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

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

16 (1) municipal jailer or juvenile detention
17 officer training [~~for~~];

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

21 (3) paying the cost of housing municipal
22 prisoners in a county jail or housing juveniles in a detention
23 facility [~~or for~~];

24 (4) complying with match or contribution
25 requirements for the receipt of federal funds relating to jails

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1 or juvenile detention facilities;

2 (5) providing inpatient treatment or other
3 substance abuse programs as an alternative to jail sentencing;

4 (6) defraying the cost of transporting
5 prisoners to jails or juveniles to juvenile detention
6 facilities; or

7 (7) providing electronic monitoring systems.

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

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

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

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

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