

**FORTY-SEVENTH LEGISLATURE  
FIRST SESSION, 2005**

March 2, 2005

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred  
**HOUSE BILL 1078**

has had it under consideration and reports same with  
recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, strike "A SECTION" and insert in lieu thereof "SECTIONS".

2. On page 2, between lines 12 and 13 insert the following  
Section 2:

"Section 2. 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  
of Section 35-6-3 NMSA 1978 . . . . . 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) of which shall be deposited in the  
civil legal services fund, to be collected prior to  
docketing any civil action, except as provided in  
Subsection A of Section 35-6-3 NMSA 1978 . . . . . 62.00;

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;

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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:

in a county with a metropolitan court . . . . [\$10.00] \$20.00;  
in a county without a metropolitan court . . . . . 20.00;

(2) court automation 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

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misdemeanor or convicted of violating any ordinance that may be enforced by the imposition of a term of imprisonment . . . . . 10.00;

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

(4) judicial education fee, to be collected upon conviction from persons convicted of operating a motor vehicle in violation of the Motor Vehicle Code, convicted of a crime constituting a misdemeanor or a petty misdemeanor or convicted of violating any ordinance punishable by a term of imprisonment . . . . . 2.00;

(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."",

and thence referred to the **APPROPRIATIONS AND FINANCE COMMITTEE**.

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Respectfully submitted,

\_\_\_\_\_  
**Joseph Cervantes, Chairman**

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against  
Yes: 7  
No: 0  
Excused: Balderas, Marquardt, Park, Stewart  
Absent: None

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