

1 SENATE BILL 442

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

4 Michael S. Sanchez

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10 AN ACT

11 RELATING TO TRAFFIC OFFENSES; LIMITING THE AMOUNT OF CERTAIN
12 FINES AND FEES IMPOSED BY MUNICIPALITIES FOR CERTAIN OFFENSES;
13 CREATING THE METROPOLITAN COURT BOND GUARANTEE FUND; MAKING AN
14 APPROPRIATION FOR STATEWIDE EFFORTS TO PREVENT OR REDUCE
15 INCIDENTS OF DRIVING WHILE INTOXICATED.

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

18 Section 1. Section 3-18-17 NMSA 1978 (being Laws 1965,
19 Chapter 300, Section 14-17-14) is amended to read:

20 "3-18-17. NUISANCES AND OFFENSES--REGULATION OR
21 PROHIBITION.--A municipality, including a home rule
22 municipality that has adopted a charter pursuant to Article 10,
23 Section 6 of the constitution of New Mexico, may by ordinance:

24 A. define a nuisance, abate a nuisance and impose
25 penalties upon a person who creates or allows a nuisance to

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1 exist; provided that penalties or fines and costs or fees
2 imposed by an ordinance for failure to obey a traffic sign or
3 signal, including a red light violation, or for a speeding
4 offense or violation, shall be subject to the following
5 criteria:

6 (1) the total amount of assessed fines, fees
7 and costs shall not exceed seventy-five dollars (\$75.00);

8 (2) the total amount assessed in fines, fees
9 and costs by the municipality shall be distributed to the
10 administrative office of the courts, of which ten percent of
11 the total amount assessed shall be credited to DWI drug court
12 programs and ninety percent of the total amount assessed shall
13 be transferred to the New Mexico finance authority for deposit
14 into the metropolitan court bond guarantee fund; and

15 (3) in fiscal year 2009, and annually
16 thereafter, the municipality shall cause an audit of the
17 program to be conducted by the state auditor or an independent
18 auditor selected by the state auditor;

19 B. regulate or prohibit any amusement or practice
20 ~~[which]~~ that tends to annoy persons on a street or public
21 ground; and

22 C. prohibit and suppress:

23 (1) gambling and the use of fraudulent devices
24 or practices for the purpose of obtaining money or property;

25 (2) the sale, possession or exhibition of

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1 obscene or immoral publications, prints, pictures or
2 illustrations;

- 3 (3) public intoxication;
- 4 (4) disorderly conduct; and
- 5 (5) riots, noises, disturbances or disorderly
6 assemblies in any public or private place."

7 Section 2. A new section of the New Mexico Finance
8 Authority Act is enacted to read:

9 "[NEW MATERIAL] METROPOLITAN COURT BOND GUARANTEE FUND.--

10 A. The "metropolitan court bond guarantee fund" is
11 created in the authority. The fund is comprised of
12 appropriations, donations, transfers pursuant to Section
13 3-18-17 NMSA 1978 and money earned from investment of the fund
14 and otherwise accruing to the fund. Money in the fund is
15 appropriated to the authority as a credit enhancement to the
16 distributions from the court facilities fund in order to
17 guarantee and secure the payment of principal, interest,
18 premiums and expenses on bonds issued pursuant to Section
19 34-9-16 NMSA 1978 and Laws 2000, Chapter 5, Section 2.
20 Balances remaining in the fund at the end of a fiscal year
21 shall not revert. The authority shall administer the fund, and
22 money from the fund may be drawn only on warrants signed by the
23 chief executive officer of the authority pursuant to vouchers
24 signed by the chief executive officer.

25 B. Before each due date for payments of principal,
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1 interest, premiums or expenses on bonds issued pursuant to
2 Section 34-9-16 NMSA 1978 and Laws 2000, Chapter 5, Section 2,
3 the authority shall determine if the distributions from the
4 court facilities fund will be sufficient to meet the amount
5 due. If the authority determines that distributions from the
6 court facilities fund are not sufficient to meet the total
7 amount due, any insufficient amount shall be paid immediately
8 from the metropolitan court bond guarantee fund. After each
9 due date for a payment on the bonds, the authority shall
10 determine the amount necessary to reserve in the metropolitan
11 court bond guarantee fund as security for future payments and
12 transfer any balance, above the amount reserved, to the traffic
13 safety bureau of the department of transportation. The amounts
14 transferred are appropriated to the bureau for expenditure on
15 statewide efforts to prevent or reduce incidents of driving
16 while intoxicated.

17 C. Upon payment of all principal, interest,
18 premiums and expenses on bonds guaranteed and secured by
19 amounts in the metropolitan court bond guarantee fund, the
20 authority shall certify to the administrative office of the
21 courts that all obligations for bonds have been fully
22 discharged. Upon the certification, the director of the
23 administrative office of the courts shall cease transferring
24 amounts to the metropolitan court bond guarantee fund and
25 transfer those amounts to the traffic safety bureau of the

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1 department of transportation. Such amounts are appropriated to
2 the bureau for the purposes specified in Subsection B of this
3 section."

4 Section 3. TEMPORARY PROVISION--APPLICABILITY.--The
5 provisions of this act apply prospectively to all municipal
6 ordinances enacted before or after the effective date of the
7 provisions of this act.

8 Section 4. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2008.