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HOUSE BILL 263

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO COURTS; INCREASING THE COURT AUTOMATION FEE IN  
CIVIL CASES FILED IN THE DISTRICT AND MAGISTRATE COURTS.

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

Section 1. Section 34-6-40 NMSA 1978 (being Laws 1968,  
Chapter 69, Section 42, as amended by Laws 2001, Chapter 277,  
Section 1 and by Laws 2001, Chapter 279, Section 1) is amended  
to read:

"34-6-40. FINANCE--FEES.--

A. District court clerks shall collect in civil  
matters docketing any cause, whether original or reopened or by  
appeal or transfer from any inferior court, a fee of ~~one~~  
~~hundred seven dollars (\$107), ten dollars (\$10.00)]~~ one hundred  
seventeen dollars (\$117), twenty dollars (\$20.00) of which  
shall be deposited in the court automation fund and twenty-five

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1 dollars (\$25.00) of which shall be deposited in the civil legal  
2 services fund.

3 B. No fees or costs shall be taxed against the  
4 state, its political subdivisions or the nonprofit corporations  
5 authorized to be formed under the Educational Assistance Act.

6 C. Except as otherwise specifically provided by  
7 law, docket fees shall be paid into the general fund."

8 Section 2. Section 35-6-1 NMSA 1978 (being Laws 1968,  
9 Chapter 62, Section 92, as amended) is amended to read:

10 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF  
11 "CONVICTED".--

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

15 docket fee, criminal actions under Section 29-5-1 NMSA  
16 1978 . . . . . \$ 1.00;

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

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

23 docket fee, [~~ten dollars (\$10.00)~~] twenty dollars (\$20.00)  
24 of which shall be deposited in the court automation  
25 fund and fifteen dollars (\$15.00) of which shall be

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1 deposited in the civil legal services fund, to be  
2 collected prior to docketing any civil action,  
3 except as provided in Subsection A of Section 35-6-3  
4 NMSA 1978 . . . . . [~~62.00~~] 72.00;  
5 jury fee, to be collected from the party demanding trial  
6 by jury in any civil action at the time the demand  
7 is filed or made . . . . . 25.00;  
8 copying fee, for making and certifying copies of any  
9 records in the court, for each page copied by  
10 photographic process . . . . . .50.  
11 Proceeds from this copying fee shall be transferred  
12 to the administrative office of the courts for  
13 deposit in the court facilities fund; and  
14 copying fee, for computer-generated or electronically  
15 transferred copies, per page . . . . . 1.00.  
16 Proceeds from this copying fee shall be transferred  
17 to the administrative office of the courts for  
18 deposit in the court automation fund.

19 Except as otherwise specifically provided by law, docket  
20 fees shall be paid into the court facilities fund.

21 B. Except as otherwise provided by law, no other  
22 costs or fees shall be charged or collected in the magistrate  
23 or metropolitan court.

24 C. The magistrate or metropolitan court may grant  
25 free process to any party in any civil proceeding or special

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1 statutory proceeding upon a proper showing of indigency. The  
2 magistrate or metropolitan court may deny free process if it  
3 finds that the complaint on its face does not state a cause of  
4 action.

5 D. As used in this subsection, "convicted" means the  
6 defendant has been found guilty of a criminal charge by the  
7 magistrate or metropolitan judge, either after trial, a plea of  
8 guilty or a plea of nolo contendere. Magistrate judges,  
9 including metropolitan court judges, shall assess and collect  
10 and shall not waive, defer or suspend the following costs:

11 (1) corrections 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 as  
17 follows:

- 18 in a county with a metropolitan court . . . . . \$10.00;
- 19 in a county without a metropolitan court . . . . . 20.00;

20 (2) court automation fee, to be collected upon  
21 conviction from persons convicted of violating any provision of  
22 the Motor Vehicle Code involving the operation of a motor  
23 vehicle, convicted of a crime constituting a misdemeanor or a  
24 petty misdemeanor or convicted of violating any ordinance that  
25 may be enforced by the imposition of a term of

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1 imprisonment . . . . . 10.00;

2 (3) traffic safety fee, to be collected upon  
3 conviction from persons convicted of violating any provision of  
4 the Motor Vehicle Code involving the operation of a motor  
5 vehicle . . . . . 3.00;

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

12 (5) brain injury services fee, to be collected  
13 upon conviction from persons convicted of violating any  
14 provision of the Motor Vehicle Code involving the operation of  
15 a motor vehicle . . . . . 5.00;

16 and

17 (6) court facilities fee, to be collected upon  
18 conviction from persons convicted of violating any provision of  
19 the Motor Vehicle Code involving the operation of a motor  
20 vehicle, convicted of a crime constituting a misdemeanor or a  
21 petty misdemeanor or convicted of violating any ordinance that  
22 may be enforced by the imposition of a term of imprisonment as  
23 follows:

24 in a county with a metropolitan court . . . . . 24.00;

25 in any other county . . . . . 10.00.

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