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HOUSE BILL 648

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

INTRODUCED BY

Dennis J. Kintigh

AN ACT

RELATING TO JUDICIAL RETIREMENT; PROVIDING THAT CERTAIN AMOUNTS OF THE CIVIL DOCKET AND JURY FEES BE DEPOSITED INTO THE GENERAL FUND; PROVIDING THAT CONTRIBUTIONS TO JUDICIAL AND MAGISTRATE RETIREMENT BE PROVIDED FROM THE GENERAL FUND.

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

Section 1. Section 10-12B-11 NMSA 1978 (being Laws 1992, Chapter 111, Section 11, as amended) is amended to read:

"10-12B-11. EMPLOYER CONTRIBUTIONS.--

[A.] The member's court shall contribute [the following amounts to the fund:

(1) ~~prior to July 1, 2005, nine percent of salary for each member in office;~~

(2) ~~from July 1, 2005 through June 30, 2006, ten and one-half percent of salary for each member in office;~~

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1 and

2 ~~(3) on and after July 1, 2006, twelve]~~ thirty-
3 one and thirty-nine hundredths percent of salary for each
4 member in office.

5 ~~[B. Thirty-eight dollars (\$38.00) from each civil~~
6 ~~case docket fee paid in the district court, twenty-five dollars~~
7 ~~(\$25.00) from each civil docket fee paid in metropolitan court~~
8 ~~and ten dollars (\$10.00) from each jury fee paid in~~
9 ~~metropolitan court shall be paid by the court clerk to the~~
10 ~~employer's accumulation fund.]"~~

11 Section 2. Section 10-12C-11 NMSA 1978 (being Laws 1992,
12 Chapter 118, Section 11, as amended) is amended to read:

13 "10-12C-11. EMPLOYER CONTRIBUTIONS.--

14 ~~[A.]~~ The state, through the administrative office
15 of the courts, shall contribute ~~[the following amounts to the~~
16 ~~fund:~~

17 ~~(1) through June 30, 2006, ten percent of~~
18 ~~salary for each member in office; and~~

19 ~~(2) on and after July 1, 2006, eleven]~~ twenty-
20 eight and ninety-two hundredths percent of salary for each
21 member in office.

22 ~~[B. Twenty-five dollars (\$25.00) from each civil~~
23 ~~case docket fee paid in magistrate court and ten dollars~~
24 ~~(\$10.00) from each civil jury fee paid in magistrate court~~
25 ~~shall be paid by the court clerk to the employer's accumulation~~

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1 ~~fund.]~~"

2 Section 3. Section 35-6-1 NMSA 1978 (being Laws 1968,
3 Chapter 62, Section 92, as amended) is amended to read:

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

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

9 docket fee, criminal actions under Section 29-5-1 NMSA
10 1978 \$ 1.00;

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

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

17 docket fee, ten dollars (\$10.00) of which shall be
18 deposited in the court automation fund, ~~and~~
19 fifteen dollars (\$15.00) of which shall be deposited
20 in the civil legal services fund and twenty-five
21 dollars (\$25.00) of which shall be deposited in the
22 general fund, to be collected prior to docketing any
23 civil action, except as provided in Subsection A of
24 Section 35-6-3 NMSA 1978 62.00;

25 jury fee, ten dollars (\$10.00) of which shall be deposited

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1 in the general fund, to be collected from the party
2 demanding trial by jury in any civil action at the
3 time the demand is filed or made 25.00;
4 copying fee, for making and certifying copies of any
5 records in the court, for each page copied by
6 photographic process50.
7 Proceeds from this copying fee shall be transferred
8 to the administrative office of the courts for
9 deposit in the court facilities fund; and
10 copying fee, for computer-generated or electronically
11 transferred copies, per page 1.00.
12 Proceeds from this copying fee shall be transferred
13 to the administrative office of the courts for
14 deposit in the court automation fund.

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

17 B. Except as otherwise provided by law, no other
18 costs or fees shall be charged or collected in the magistrate
19 or metropolitan court.

20 C. The magistrate or metropolitan court may grant
21 free process to any party in any civil proceeding or special
22 statutory proceeding upon a proper showing of indigency. The
23 magistrate or metropolitan court may deny free process if it
24 finds that the complaint on its face does not state a cause of
25 action.

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

7 (1) corrections fee, to be collected upon
8 conviction from persons convicted of violating any provision of
9 the Motor Vehicle Code involving the operation of a motor
10 vehicle, convicted of a crime constituting a misdemeanor or a
11 petty misdemeanor or convicted of violating any ordinance that
12 may be enforced by the imposition of a term of imprisonment as
13 follows:

14 in a county with a metropolitan court \$10.00;
15 in a county without a metropolitan court 20.00;

16 (2) court automation fee, to be collected upon
17 conviction from persons convicted of violating any provision of
18 the Motor Vehicle Code involving the operation of a motor
19 vehicle, convicted of a crime constituting a misdemeanor or a
20 petty misdemeanor or convicted of violating any ordinance that
21 may be enforced by the imposition of a term of
22 imprisonment 10.00;

23 (3) traffic safety fee, to be collected upon
24 conviction from persons convicted of violating any provision of
25 the Motor Vehicle Code involving the operation of a motor

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1 vehicle 3.00;

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

8 (5) brain injury services fee, to be collected
9 upon conviction from persons convicted of violating any
10 provision of the Motor Vehicle Code involving the operation of
11 a motor vehicle 5.00;
12 and

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

20 in a county with a metropolitan court 24.00;

21 in any other county 10.00.

22 E. Metropolitan court judges shall assess and collect
23 and shall not waive, defer or suspend as costs a mediation fee
24 not to exceed five dollars (\$5.00) for the docketing of small
25 claims and criminal actions specified by metropolitan court

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1 rule. Proceeds of the mediation fee shall be deposited into
2 the metropolitan court mediation fund."

3 Section 4. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2009.

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