

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
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SENATE BILL 275

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CREATING THE PUBLIC SAFETY RECRUITING FUND; PROVIDING FOR A
PUBLIC SAFETY RECRUITING FEE TO BE COLLECTED FOR VIOLATIONS OF
THE MOTOR VEHICLE CODE WRITTEN ON UNIFORM TRAFFIC CITATIONS
ISSUED BY UNIFORMED OFFICERS OF THE DEPARTMENT OF PUBLIC
SAFETY; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF
LAW IN LAWS 2009; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Department of Public
Safety Act is enacted to read:

"[NEW MATERIAL] PUBLIC SAFETY RECRUITING FUND--
DISTRIBUTION--APPROPRIATION.--

A. There is created in the state treasury the
"public safety recruiting fund". The fund shall consist of
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1 appropriations, gifts, grants, donations and bequests made to
2 the fund. The fund shall be invested in accordance with the
3 provisions of Section 6-10-10 NMSA 1978, and all income earned
4 on the fund shall be credited to the fund. Expenditures from
5 the fund shall be made on warrant of the secretary of finance
6 and administration pursuant to vouchers signed by the secretary
7 of public safety.

8 B. The public safety recruiting fund shall be used
9 by the training and recruiting division of the department of
10 public safety to recruit personnel for the New Mexico state
11 police division and the motor transportation division of that
12 department.

13 C. All money credited to the public safety
14 recruiting fund is appropriated to the department of public
15 safety for the purpose of carrying out the provisions of
16 Subsection B of this section and shall not revert to the
17 general fund."

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

20 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
21 "CONVICTED".--

22 A. Magistrate judges, including metropolitan court
23 judges, shall assess and collect and shall not waive, defer or
24 suspend the following costs:

25 docket fee, criminal actions under Section 29-5-1 NMSA

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1 1978 \$ 1.00;
2 docket fee, to be collected prior to docketing any other
3 criminal action, except as provided in Subsection B
4 of Section 35-6-3 NMSA 1978 20.00.
5 Proceeds from this docket fee shall be transferred
6 to the administrative office of the courts for
7 deposit in the court facilities fund;
8 docket fee, twenty dollars (\$20.00) of which shall be
9 deposited in the court automation fund and fifteen
10 dollars (\$15.00) of which shall be deposited in the
11 civil legal services fund, to be collected prior to
12 docketing any civil action,
13 except as provided in Subsection A of Section 35-6-3
14 NMSA 1978 72.00;
15 jury fee, to be collected from the party demanding trial
16 by jury in any civil action at the time the demand
17 is filed or made 25.00;
18 copying fee, for making and certifying copies of any
19 records in the court, for each page copied by
20 photographic process [50] 0.50.
21 Proceeds from this copying fee shall be transferred
22 to the administrative office of the courts for
23 deposit in the court facilities fund; and
24 copying fee, for computer-generated or electronically
25 transferred copies, per page 1.00.

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1 Proceeds from this copying fee shall be transferred
2 to the administrative office of the courts for
3 deposit in the court automation fund.

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

6 B. Except as otherwise provided by law, no other
7 costs or fees shall be charged or collected in the magistrate
8 or metropolitan court.

9 C. The magistrate or metropolitan court may grant
10 free process to any party in any civil proceeding or special
11 statutory proceeding upon a proper showing of indigency. The
12 magistrate or metropolitan court may deny free process if it
13 finds that the complaint on its face does not state a cause of
14 action.

15 D. As used in this subsection, "convicted" means the
16 defendant has been found guilty of a criminal charge by the
17 magistrate or metropolitan judge, either after trial, a plea of
18 guilty or a plea of nolo contendere. Magistrate judges,
19 including metropolitan court judges, shall assess and collect
20 and shall not waive, defer or suspend the following costs:

21 (1) corrections fee, to be collected upon
22 conviction from persons convicted of violating any provision of
23 the Motor Vehicle Code involving the operation of a motor
24 vehicle, convicted of a crime constituting a misdemeanor or a
25 petty misdemeanor or convicted of violating any ordinance that

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1 may be enforced by the imposition of a term of imprisonment as
2 follows:

3 in a county with a metropolitan court \$10.00;

4 in a county without a metropolitan court 20.00;

5 (2) court automation fee, to be collected upon
6 conviction from persons convicted of violating any provision of
7 the Motor Vehicle Code involving the operation of a motor
8 vehicle, convicted of a crime constituting a misdemeanor or a
9 petty misdemeanor or convicted of violating any ordinance that
10 may be enforced by the imposition of a term of
11 imprisonment 10.00;

12 (3) traffic safety fee, to be collected upon
13 conviction from persons convicted of violating any provision of
14 the Motor Vehicle Code involving the operation of a motor
15 vehicle 3.00;

16 (4) judicial education fee, to be collected upon
17 conviction from persons convicted of operating a motor vehicle
18 in violation of the Motor Vehicle Code, convicted of a crime
19 constituting a misdemeanor or a petty misdemeanor or convicted
20 of violating any ordinance punishable by a term of
21 imprisonment 3.00;

22 (5) jury and witness fee, to be collected upon
23 conviction from persons convicted of operating a motor vehicle
24 in violation of the Motor Vehicle Code, convicted of a crime
25 constituting a misdemeanor or a petty misdemeanor or convicted

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1 of violating any ordinance punishable by a term of imprisonment
2 5.00;

3 (6) brain injury services fee, to be collected
4 upon conviction from persons convicted of violating any
5 provision of the Motor Vehicle Code involving the operation of
6 a motor vehicle 5.00;

7 [~~and~~]

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

15 in a county with a metropolitan court 24.00;

16 in any other county 10.00; and

17 (8) public safety recruiting fee, to be
18 collected upon conviction from persons convicted of violating
19 any provision of the Motor Vehicle Code as cited by a uniformed
20 officer of the department of public safety 10.00.

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

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1 the metropolitan court mediation fund."

2 Section 3. Section 35-7-4 NMSA 1978 (being Laws 1968,
3 Chapter 62, Section 99, as amended) is amended to read:

4 "35-7-4. MAGISTRATE ADMINISTRATION--MONTHLY
5 REMITTANCES.--Each magistrate court shall pay to the
6 administrative office of the courts, not later than the date
7 each month established by regulation of the director of the
8 administrative office, the amount of all fines, forfeitures and
9 costs collected by the court during the previous month, except
10 for amounts disbursed in accordance with law. The
11 administrative office shall return to each magistrate court a
12 written receipt itemizing all money received. The
13 administrative office shall deposit the amount of all fines and
14 forfeitures with the state treasurer for credit to the current
15 school fund. The administrative office shall deposit the
16 amount of all costs, except all costs collected pursuant to
17 Subsections D and E of Section 35-6-1 NMSA 1978, for credit to
18 the general fund. The amount of all costs collected pursuant
19 to Subsections D and E of Section 35-6-1 NMSA 1978 shall be
20 credited as follows:

21 A. the amount of all costs collected pursuant to
22 Paragraph (1) of Subsection D of Section 35-6-1 NMSA 1978 for
23 credit to the local government corrections fund;

24 B. the amount of all costs collected pursuant to
25 Paragraph (2) of Subsection D of Section 35-6-1 NMSA 1978 for

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1 credit to the court automation fund;

2 C. the amount of all costs collected pursuant to
3 Paragraph (3) of Subsection D of Section 35-6-1 NMSA 1978 for
4 credit to the traffic safety education and enforcement fund;

5 D. the amount of all costs collected pursuant to
6 Paragraph (4) of Subsection D of Section 35-6-1 NMSA 1978 for
7 credit to the judicial education fund;

8 E. the amount of all costs collected pursuant to
9 Paragraph (5) of Subsection D of Section 35-6-1 NMSA 1978 for
10 credit to the jury and witness fee fund;

11 F. the amount of all costs collected pursuant to
12 Paragraph (6) of Subsection D of Section 35-6-1 NMSA 1978 for
13 credit to the brain injury services fund;

14 G. the amount of all costs collected pursuant to
15 Paragraph (7) of Subsection D of Section 35-6-1 NMSA 1978 for
16 credit to the court facilities fund; ~~and~~

17 H. the amount of all costs collected pursuant to
18 Paragraph (8) of Subsection D of Section 35-6-1 NMSA 1978 for
19 credit to the public safety recruiting fund; and

20 ~~[H.]~~ I. the amount of all costs collected pursuant to
21 Subsection E of Section 35-6-1 NMSA 1978 for credit to the
22 metropolitan court mediation fund."

23 Section 4. Section 66-8-116.3 NMSA 1978 (being Laws 1989,
24 Chapter 318, Section 35, Laws 1989, Chapter 319, Section 14 and
25 also Laws 1989, Chapter 320, Section 5, as amended by Laws
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1 2009, Chapter 244, Section 1 and by Laws 2009, Chapter 245,
2 Section 5) is amended to read:

3 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL
4 FEES.--In addition to the penalty assessment established for
5 each penalty assessment misdemeanor, there shall be assessed:

6 A. in a county without a metropolitan court, twenty
7 dollars (\$20.00) to help defray the costs of local government
8 corrections;

9 B. a court automation fee of ten dollars (\$10.00);

10 C. a traffic safety fee of three dollars (\$3.00),
11 which shall be credited to the traffic safety education and
12 enforcement fund;

13 D. a judicial education fee of three dollars (\$3.00),
14 which shall be credited to the judicial education fund;

15 E. a jury and witness fee of five dollars (\$5.00),
16 which shall be credited to the jury and witness fee fund;

17 ~~[E.]~~ F. a juvenile adjudication fee of one dollar
18 (\$1.00), which shall be credited to the juvenile adjudication
19 fund;

20 ~~[F.]~~ G. a brain injury services fee of five dollars
21 (\$5.00), which shall be credited to the brain injury services
22 fund; ~~[and]~~

23 H. for a penalty assessment misdemeanor citation
24 issued by a uniformed officer of the department of public
25 safety, a public safety recruiting fee of ten dollars (\$10.00),

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1 which shall be credited to the public safety recruiting fund;

2 and

3 ~~[G.]~~ I. a court facilities fee as follows:

4 in a county with a metropolitan court \$24.00;

5 in any other county 10.00."

6 Section 5. Section 66-8-119 NMSA 1978 (being Laws 1968,
7 Chapter 62, Section 159, as amended) is amended to read:

8 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

9 A. The division shall remit all penalty assessment
10 receipts, except receipts collected pursuant to Subsections A
11 through ~~[G]~~ I of Section 66-8-116.3 NMSA 1978, to the state
12 treasurer for credit to the general fund.

13 B. The division shall remit all penalty assessment
14 fee receipts collected pursuant to:

15 (1) Subsection A of Section 66-8-116.3 NMSA 1978
16 to the state treasurer for credit to the local government
17 corrections fund;

18 (2) Subsection B of Section 66-8-116.3 NMSA 1978
19 to the state treasurer for credit to the court automation fund;

20 (3) Subsection C of Section 66-8-116.3 NMSA 1978
21 to the state treasurer for credit to the traffic safety
22 education and enforcement fund;

23 (4) Subsection D of Section 66-8-116.3 NMSA 1978
24 to the state treasurer for credit to the judicial education
25 fund;

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1 (5) Subsection E of Section 66-8-116.3 NMSA 1978
 2 to the state treasurer for credit to the jury and witness fee
 3 fund;

4 (6) Subsection [~~F~~] G of Section 66-8-116.3 NMSA
 5 1978 to the state treasurer for credit to the brain injury
 6 services fund; [~~and~~]

7 (7) Subsection H of Section 66-8-116.3 NMSA 1978
 8 to the state treasurer for credit to the public safety
 9 recruiting fund; and

10 [~~(7)~~] (8) Subsection [~~G~~] I of Section
 11 66-8-116.3 NMSA 1978 to the state treasurer for credit to the
 12 court facilities fund."

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