

1 HOUSE BILL 487

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Jane E. Powdrell-Culbert

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10 AN ACT

11 RELATING TO MUNICIPAL COURT FEES; ALLOWING A MUNICIPALITY WITH  
12 A POPULATION LESS THAN TEN THOUSAND TO TRANSFER BALANCES FROM  
13 CERTAIN MUNICIPAL COURT FEES TO THE MUNICIPALITY'S GENERAL  
14 FUND.

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

17 SECTION 1. Section 35-14-11 NMSA 1978 (being Laws 1983,  
18 Chapter 134, Section 6, as amended) is amended to read:

19 "35-14-11. MUNICIPAL ORDINANCE--COURT COSTS--  
20 COLLECTION--PURPOSE.--

21 A. Every municipality shall enact an ordinance  
22 requiring assessment of corrections fees, judicial education  
23 fees and court automation fees to be collected as court costs  
24 and used as provided in this section.

25 B. A municipal judge shall collect the following

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1 costs:

2 (1) a corrections fee of twenty dollars  
3 (\$20.00);

4 (2) a judicial education fee of three dollars  
5 (\$3.00); and

6 (3) a court automation fee of six dollars  
7 (\$6.00).

8 C. The fees are to be collected upon conviction  
9 from persons convicted of violating any ordinance relating to  
10 the operation of a motor vehicle or any ordinance that may be  
11 enforced by the imposition of a term of imprisonment.

12 D. All money collected pursuant to Paragraph (1) of  
13 Subsection B of this section shall be deposited in a special  
14 fund in the municipal treasury and shall be used for:

15 (1) municipal jailer or juvenile detention  
16 officer training;

17 (2) the construction planning, construction,  
18 operation and maintenance of a municipal jail or juvenile  
19 detention facility;

20 (3) paying the cost of housing municipal  
21 prisoners in a county jail or detention facility or housing  
22 juveniles in a detention facility;

23 (4) complying with match or contribution  
24 requirements for the receipt of federal funds relating to jails  
25 or juvenile detention facilities;

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1 (5) providing inpatient treatment or other  
2 substance abuse programs in conjunction with or as an  
3 alternative to jail sentencing;

4 (6) defraying the cost of transporting  
5 prisoners to jails or juveniles to juvenile detention  
6 facilities; or

7 (7) providing electronic monitoring systems.

8 E. If a municipality with a population less than  
9 [~~three~~ ten] thousand according to the most recent federal  
10 decennial census has a balance in its special fund pursuant to  
11 Subsection D of this section that is over the amount projected  
12 to be needed for the next fiscal year for the purposes set  
13 forth in that subsection, the municipality may transfer the  
14 unneeded balance to the municipality's general fund.

15 F. A municipality may credit the interest collected  
16 from fees deposited in the special fund pursuant to Subsection  
17 D of this section to the municipality's general fund.

18 G. All money collected pursuant to Paragraph (2) of  
19 Subsection B of this section shall be remitted monthly to the  
20 state treasurer for credit to the judicial education fund and  
21 shall be used for the education and training, including  
22 production of bench books and other written materials, of  
23 municipal judges and other municipal court employees.

24 H. All money collected pursuant to Paragraph (3) of  
25 Subsection B of this section shall be remitted monthly to the

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1 state treasurer for credit to the municipal court automation  
2 fund and shall be used for the purchase, maintenance and  
3 operation of court automation systems in the municipal courts.  
4 Operation includes staff expenses, temporary or otherwise, and  
5 costs as needed to comply with Section 35-14-12 NMSA 1978. The  
6 court automation systems shall have the capability of  
7 providing, on a timely basis, electronic records in a format  
8 specified by the judicial information systems council.

9 I. As used in this section, "convicted" means the  
10 defendant has been found guilty of a criminal charge by a  
11 municipal judge, either after trial, a plea of guilty or a plea  
12 of nolo contendere."

13 SECTION 2. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2015.