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HOUSE BILL 235

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Stephanie Garcia Richard

AN ACT

RELATING TO COURTS; RAISING THE MUNICIPAL COURT AUTOMATION FEE FROM SIX DOLLARS (\$6.00) TO TEN DOLLARS (\$10.00).

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

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

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

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

B. A municipal judge shall collect the following costs:

- (1) a corrections fee of twenty dollars

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1 (\$20.00);

2 (2) a judicial education fee of three dollars
3 (\$3.00); and

4 (3) a court automation fee of [~~six dollars~~
5 ~~(\$6.00)~~] ten dollars (\$10.00).

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

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

13 (1) municipal jailer or juvenile detention
14 officer training;

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

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

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

24 (5) providing inpatient treatment or other
25 substance abuse programs in conjunction with or as an

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1 alternative to jail sentencing;

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

5 (7) providing electronic monitoring systems.

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

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

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

22 H. All money collected pursuant to Paragraph (3) of
23 Subsection B of this section shall be remitted monthly to the
24 state treasurer for credit to the municipal court automation
25 fund and shall be used for the purchase, maintenance and

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

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