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HOUSE BILL 766

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY
GARY K. KING

AN ACT

RELATING TO COURTS; INCREASING CERTAIN COURT FEES; CREATING A
FUND; DEDICATING PROCEEDS IN THE FUND FOR THE PROVISION OF CIVIL
LEGAL SERVICES TO INDIGENT PERSONS; MAKING AN APPROPRIATION.

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) 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 [~~eighty-two
dollars (\$82.00)~~] one hundred seven dollars (\$107), ten dollars
(\$10.00) of which shall be deposited in the court automation
fund and twenty-five dollars (\$25.00) of which shall be
deposited in the civil legal services fund.

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

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

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

8 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
9 "CONVICTED".--

10 A. Magistrate judges, including metropolitan court
11 judges, shall collect the following costs:

- 12 Docket fee, criminal actions under Section 29-5-1 NMSA
- 13 1978 \$ 1.00
- 14 Docket fee, to be collected prior to docketing any other
- 15 criminal action, except as provided in Subsection B of
- 16 Section 35-6-3 NMSA 1978 20.00
- 17 Docket fee, ten dollars (\$10.00) of which shall be
- 18 deposited in the court automation fund and fifteen
- 19 dollars (\$15.00) of which shall be deposited in the
- 20 civil legal services fund, to be collected prior to
- 21 docketing any civil action, except as provided in
- 22 Subsection A of Section 35-6-3 NMSA 1978 [~~47.00~~] 62.00
- 23 Jury fee, to be collected from the party demanding trial
- 24 by jury in any civil action at the time the demand is
- 25 filed or made 25.00

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1 (1) corrections fee, to be collected upon
2 conviction from persons convicted of violating any provision of
3 the Motor Vehicle Code involving the operation of a motor
4 vehicle, convicted of a crime constituting a misdemeanor or a
5 petty misdemeanor or convicted of violating any ordinance that
6 may be enforced by the imposition of a term of imprisonment
7 \$10.00;

8 (2) court automation 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
14 imprisonment 10.00;

15 (3) traffic safety fee, to be collected upon
16 conviction from persons convicted of violating any provision of
17 the Motor Vehicle Code involving the operation of a motor
18 vehicle 3.00;
19 and

20 (4) judicial education fee, to be collected
21 upon conviction from persons convicted of operating a motor
22 vehicle in violation of the Motor Vehicle Code, convicted of a
23 crime constituting a misdemeanor or a petty misdemeanor or
24 convicted of violating any ordinance punishable by a term of
25 imprisonment 1.00.

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1 E. Metropolitan court judges shall collect as costs
2 a mediation fee not to exceed five dollars (\$5.00) for the
3 docketing of small claims and criminal actions specified by
4 metropolitan court rule. Proceeds of the mediation fee shall be
5 deposited into the metropolitan court mediation fund."

6 Section 3. [NEW MATERIAL] CIVIL LEGAL SERVICES FUND
7 CREATED-- ADMINISTRATION-- DISTRIBUTION. --

8 A. There is created in the state treasury the "civil
9 legal services fund" to be administered by the administrative
10 office of the courts.

11 B. Balances in the civil legal services fund may be
12 expended by the administrative office of the courts for the
13 purpose of entering into contracts with nonprofit organizations
14 that:

15 (1) offer a range of free or reduced-fee civil
16 legal services to indigent persons in New Mexico; and

17 (2) demonstrate the capacity to cooperate with
18 state and local bar associations, pro bono programs and private
19 attorneys to increase the availability of free or reduced-fee
20 civil legal services to indigent persons.

21 C. A contract entered into for the purpose of
22 providing civil legal services to indigent persons shall be in
23 accordance with the provisions of the Procurement Code.

24 D. Balances in the civil legal services fund shall
25 not revert to the general fund at the end of any fiscal year.

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E. Payments from the civil legal services fund shall be made upon vouchers issued and signed by the director of the administrative office of the courts upon warrants drawn by the secretary of finance and administration.

Section 4. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 1997.

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 24, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 766

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 5, lines 9 and 10, strike "administrative office
of the courts" and insert in lieu thereof "local government
division of the department of finance and administration".

2. On page 5, line 11, after "fund" insert ", less
administrative costs as provided for in Subsection D of this
section, ".

3. On page 5, line 12, strike "administrative office of the
courts" and insert in lieu thereof "local government division of
the department of finance and administration".

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 766

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4. On page 5, between lines 23 and 24, insert the following new subsection:

"D. The local government division of the department of finance and administration may expend no more than five percent of the annual fund balance for administrative purposes."

5. Reletter the following subsections accordingly.

6. On page 6, line 3, strike "administrative office of the courts" and insert in lieu thereof "local government division of the department of finance and administration".,

and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Pederson, Rios

Absent: None

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 5, 1997

Mr. Speaker:

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred**

HOUSE BILL 766, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Max Coll, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 5 Against

Yes: 7

No: Buffett, Knowles, Pearce, Townsend, Wallace

Excused: Bird, Marquardt, Picraux, Salazar, Watchman

Absent: None

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