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SENATE BILL 37

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

INTRODUCED BY

DEDE FELDMAN

AN ACT

RELATING TO HEALTH; CREATING THE BRAIN INJURY SERVICES FUND;
IMPOSING A FEE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978;
MAKING AN APPROPRIATION.

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

Section 1. Section 66-8-116.3 NMSA 1978 (being Laws 1989,
Chapter 320, Section 5, as amended) is amended to read:

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

A. ten dollars (\$10.00) to help defray the costs of
local government corrections;

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

C. a traffic safety fee of three dollars (\$3.00),
which shall be credited to the traffic safety education and

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1 enforcement fund; ~~and~~

2 D. a judicial education fee of one dollar (\$1.00),
3 which shall be credited to the judicial education fund; and

4 E. a brain injury services fee of five dollars
5 (\$5.00), which shall be credited to the brain injury services
6 fund."

7 Section 2. Section 66-8-119 NMSA 1978 (being Laws 1968,
8 Chapter 62, Section 159, as amended) is amended to read:

9 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

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

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

16 (1) Subsection A of Section 66-8-116.3 NMSA
17 1978 to the state treasurer for credit to the local government
18 corrections fund; ~~[the court automation fee collected pursuant~~
19 ~~to]~~

20 (2) Subsection B of Section 66-8-116.3 NMSA
21 1978 to the state treasurer for credit to the court automation
22 fund; ~~[the traffic safety fee collected pursuant to]~~

23 (3) Subsection C of Section 66-8-116.3 NMSA
24 1978 to the state treasurer for credit to the traffic safety
25 education and enforcement fund; ~~[and the judicial education fee~~

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1 ~~collected pursuant to]~~

2 (4) Subsection D of Section 66-8-116.3 NMSA
3 1978 to the state treasurer for credit to the judicial education
4 fund; and

5 (5) Subsection E of Section 66-8-116.3 NMSA
6 1978 to the state treasurer for credit to the brain injury
7 services fund. "

8 Section 3. [NEW MATERIAL] BRAIN INJURY SERVICES FUND
9 CREATED. --

10 A. There is created in the state treasury the "brain
11 injury services fund". The fund shall be invested in accordance
12 with the provisions of Section 6-10-10 NMSA 1978, and all income
13 earned on the fund shall be credited to the fund.

14 B. The brain injury services fund shall be used to
15 institute and maintain a statewide brain injury services program
16 designed to increase the independence of persons with traumatic
17 brain injuries.

18 C. The department of health shall adopt all rules,
19 regulations and policies necessary to administer a statewide
20 brain injury services program. The department of health shall
21 coordinate with and seek advice from the brain injury advisory
22 council to ensure that the statewide brain injury services
23 program is appropriate for persons with traumatic brain
24 injuries.

25 D. All money credited to the brain injury services

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1 fund shall be appropriated to the department of health for the
2 purpose of carrying out the provisions of this section and shall
3 not revert to the general fund.

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

6 - 4 -

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

SB 37/a

3
4 February 5, 1997

5
6 Mr. President:

7
8 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
9 referred

10
11 SENATE BILL 37

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

15
16 1. On page 1, between lines 15 and 16, insert the following
17 new section:

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

21
22 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
23 "CONVICTED".--

24
25 A. Magistrate judges, including metropolitan court
judges, shall collect the following costs:

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FIRST SESSION, 1997**

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Docket fee, criminal actions under Section 29-5-1 NMSA
1978 \$ 1.00

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

Docket fee, ten dollars (\$10.00) of which shall be
deposited in the court automation fund, to be collected
prior to docketing any civil action, except as provided
in Subsection A of Section 35-6-3 NMSA 1978 47.00

Jury fee, to be collected from the party demanding trial
by jury in any civil action at the time the demand is
filed or made 25.00

Copying fee, for making and certifying copies of any
records in the court, for each page copied by
photographic process50

Copying fee, for computer-generated or electronically
transferred copies, per page 1.00.

Proceeds from this copying fee shall be transferred to
the administrative office of the courts for deposit in
the court automation fund. Except as otherwise
specifically provided by law, docket fees shall be paid
into the general fund.

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

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

D. As used in this subsection, "convicted" means the defendant has been found guilty of a criminal charge by the magistrate or metropolitan judge, either after trial, a plea of guilty or a plea of nolo contendere. Magistrate judges, including metropolitan court judges, shall collect the following costs:

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

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

(3) traffic safety fee, to be collected upon conviction from persons convicted of violating any provision of the Motor Vehicle Code involving the operation of a motor vehicle. ~~10.00;~~
[and]

(4) judicial education fee, to be collected upon conviction from persons convicted of operating a motor vehicle in violation of the Motor Vehicle Code, convicted of a crime

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**FORTY-THIRD LEGISLATURE
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constituting a misdemeanor or a petty misdemeanor or convicted of
violating any ordinance punishable by a term of
imprisonment 1.00; and

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

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

2. Renumber succeeding sections accordingly.,

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

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

SPAC/SB 37

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Shannon Robinson, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Boitano, Vernon, Smith

Absent: None

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

SPAC/SB 37

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

SB 37

February 12, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 37, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
FINANCE COMMITTEE.**

Respectfully submitted,

Fernando R. Macias, Chairman

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

SPAC/SB 37

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Tsosie

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 17, 1997

Mr. Speaker:

Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
whom has been referred

SENATE BILL 37, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Gary King, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 2 Against

Yes: 4

No: Crook, Dana

Excused: Johnson, Rios, Sandel, Vigil

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 19, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

SENATE BILL 37, 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 14 For 2 Against

Yes: 14

No: Bird, Marquardt

Excused: Watchman

Absent: None

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