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HOUSE BILL 443

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Gail C. Beam

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; PROVIDING FOR A MEDIATION PROGRAM IN
MAGISTRATE COURT; CREATING A MAGISTRATE MEDIATION FUND;
INCREASING FILING FEES; 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 35-6-1 NMSA 1978 (being Laws 1968,
Chapter 62, Section 92, as amended) is amended to read:

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

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

(1) docket fee, criminal actions under Section
29-5-1 NMSA 1978 \$ 1.00;

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1 (2) docket fee, to be collected prior to
2 docketing any other criminal action, except as provided in
3 Subsection B of Section 35-6-3 NMSA 1978 20.00.

4 Proceeds from this docket fee shall be transferred to the
5 administrative office of the courts for deposit in the court
6 facilities fund;

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

11 (4) jury fee, to be collected from the party
12 demanding trial by jury in any civil action at the time the
13 demand is filed or made 25.00;

14 (5) copying fee, for making and certifying
15 copies of any records in the court, for each page copied by
16 photographic process50.

17 Proceeds from this copying fee shall be transferred to the
18 administrative office of the courts for deposit in the court
19 facilities fund; and

20 (6) copying fee, for computer-generated or
21 electronically transferred copies, per page 1.00.

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

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

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

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

17 (1) corrections fee, to be collected upon
18 conviction from persons convicted of violating any provision
19 of the Motor Vehicle Code involving the operation of a motor
20 vehicle, convicted of a crime constituting a misdemeanor or a
21 petty misdemeanor or convicted of violating any ordinance that
22 may be enforced by the imposition of a term of imprisonment
23 \$10.00;

24 (2) court automation fee, to be collected upon
25 conviction from persons convicted of violating any provision

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1 of the Motor Vehicle Code involving the operation of a motor
2 vehicle, convicted of a crime constituting a misdemeanor or a
3 petty misdemeanor or convicted of violating any ordinance that
4 may be enforced by the imposition of a term of imprisonment
5 10.00;

6 (3) traffic safety fee, to be collected upon
7 conviction from persons convicted of violating any provision
8 of the Motor Vehicle Code involving the operation of a motor
9 vehicle 3.00;

10 (4) judicial education fee, to be collected upon
11 conviction from persons convicted of operating a motor vehicle
12 in violation of the Motor Vehicle Code, convicted of a crime
13 constituting a misdemeanor or a petty misdemeanor or convicted
14 of violating any ordinance punishable by a term of
15 imprisonment 1.00;

16 (5) brain injury services fee, to be collected
17 upon conviction from persons convicted of violating any
18 provision of the Motor Vehicle Code involving the operation of
19 a motor vehicle 5.00;
20 and

21 (6) court facilities fee, to be collected upon
22 conviction from persons convicted of violating any provision
23 of 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 14.00
- 4 in any other county 10.00.

5 E. Metropolitan court judges shall assess and
6 collect [~~and shall not waive, defer or suspend~~] as costs,
7 which shall not be waived, deferred or suspended, a mediation
8 fee not to exceed five dollars (\$5.00) for the docketing of
9 small claims and criminal actions specified by metropolitan
10 court rule. Proceeds of the mediation fee shall be deposited
11 into the metropolitan court mediation fund.

12 F. Magistrate judges shall assess and collect as
13 costs, which shall not be waived, deferred or suspended, a
14 mediation fee not to exceed five dollars (\$5.00) for the
15 docketing of civil actions, except as provided in Subsection A
16 of Section 35-6-3 NMSA 1978. Proceeds of the mediation fee
17 shall be deposited in the magistrate court mediation fund."

18 Section 2. [NEW MATERIAL] MAGISTRATE COURT MEDIATION
19 FUND CREATED-- ADMINISTRATION-- DISTRIBUTION. --

20 A. The "magistrate court mediation fund" is
21 created in the state treasury. The fund shall be administered
22 by the administrative office of the courts.

23 B. All balances in the magistrate court mediation
24 fund are subject to appropriation for payment to magistrate
25 courts for the purpose of funding and administering voluntary

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1 mediation programs. The mediation programs shall be
2 established by supreme court rule for the efficient
3 disposition of civil complaints.

4 C. Payments from the magistrate court mediation
5 fund shall be made upon vouchers signed by the director of the
6 administrative office of the courts upon warrants drawn by the
7 secretary of finance and administration.

8 D. Any balance remaining in the magistrate court
9 mediation fund at the end of a fiscal year shall not revert to
10 the general fund.

11 Section 3. EFFECTIVE DATE. --The effective date of the
12 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 22, 1999
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 443
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 APPROPRIATIONS AND FINANCE COMMITTEE.
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18 Respectfully submitted,
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23 _____
24 R. David Pederson, Chairman
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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HJ/HB 443

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4 Adopted _____

Not

5 Adopted _____

6 (Chief Clerk)

7 (Chief Clerk)

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9 Date _____

10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Luna, Sanchez

13 Absent: None

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 February 27, 1999

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 443

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

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17 Respectfully submitted,

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23 Max Coll, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____

Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Coll, Heaton, Larrañaga, Marquardt, Pearce, Taylor, JP,
Watchman

Absent: None

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