



The Legislature  
of the  
State of New Mexico

50th Legislature, 1st Session

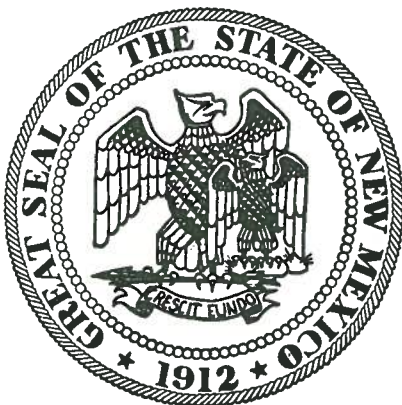
LAWS 2011

CHAPTER 173

HOUSE BILL 417, as amended

Introduced by

REPRESENTATIVE AL PARK



# Chapter 173

## AN ACT

RELATING TO LOCAL GOVERNMENT CORRECTIONS; PROVIDING THAT THE LOCAL GOVERNMENT CORRECTIONS FUND BE DISTRIBUTED ONLY TO COUNTIES; PROVIDING THAT THE PENALTY ASSESSMENT FEE FOR LOCAL GOVERNMENT CORRECTIONS APPLIES TO ALL COUNTIES; MAKING AN APPROPRIATION.

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

SECTION 1. Section 33-3-25 NMSA 1978 (being Laws 1983, Chapter 134, Section 1, as amended) is amended to read:

"33-3-25. LOCAL GOVERNMENT CORRECTIONS FUND CREATED-- ADMINISTRATION--DISTRIBUTION.--

A. There is created in the state treasury the "local government corrections fund" to be administered by the administrative office of the courts.

B. All balances in the local government corrections fund are appropriated to the administrative office of the courts for payment to counties for county jailer or juvenile detention officer training; for the construction planning, construction, maintenance and operation of the county detention facility, jail or juvenile detention facility; for paying the cost of housing county prisoners or juveniles in any detention facility in the state; for alternatives to incarceration; or for complying with match or contribution requirements for the receipt of federal funds

1 relating to detention facilities, jails or juvenile detention  
2 facilities. Payments shall be made quarterly upon  
3 certification by the magistrate court or metropolitan court  
4 and the motor vehicle division of the taxation and revenue  
5 department of eligible amounts as provided in Subsection C of  
6 this section.

7 C. Each county shall be eligible for a payment in  
8 an amount equal to the costs and fees collected by a  
9 magistrate court or a metropolitan court and the motor vehicle  
10 division pursuant to offenses committed within the county and  
11 deposited in the local government corrections fund.

12 D. Payments from the local government corrections  
13 fund shall be made upon vouchers issued and signed by the  
14 director of the administrative office of the courts upon  
15 warrants drawn by the secretary of finance and administration.

16 E. All money received by a county pursuant to this  
17 section shall be deposited in a special fund in the county  
18 treasury and shall be used solely for:

19 (1) county jailer or juvenile detention  
20 officer training;

21 (2) the construction planning, construction,  
22 maintenance and operation of the county detention facility,  
23 jail or juvenile detention facility;

24 (3) paying the cost of housing county  
25 prisoners or juveniles in any detention facility in the state;

1 (4) alternatives to incarceration; or  
2 (5) complying with match or contribution  
3 requirements for the receipt of federal funds relating to  
4 detention facilities, jails or juvenile detention facilities."

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

7 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF  
8 "CONVICTED".--

9 A. Magistrate judges, including metropolitan court  
10 judges, shall assess and collect and shall not waive, defer or  
11 suspend 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  
16 of Section 35-6-3 NMSA 1978 . . . . . 20.00.

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

20 docket fee, twenty dollars (\$20.00) of which shall be  
21 deposited in the court automation fund and fifteen  
22 dollars (\$15.00) of which shall be deposited in the  
23 civil legal services fund, to be collected prior to  
24 docketing any civil action, except as provided in  
25 Subsection A of Section 35-6-3 NMSA 1978 . . .72.00;

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

4 copying fee, for making and certifying copies of any  
5 records in the court, for each page copied by  
6 photographic process . . . . . 0.50.

7 Proceeds from this copying fee shall be transferred  
8 to the administrative office of the courts for  
9 deposit in the court facilities fund; and

10 copying fee, for computer-generated or electronically  
11 transferred copies, per page . . . . . 1.00.

12 Proceeds from this copying fee shall be transferred  
13 to the administrative office of the courts for  
14 deposit in the court automation fund.

15 Except as otherwise specifically provided by law, docket  
16 fees shall be paid into the court facilities fund.

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

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

1 D. As used in this subsection, "convicted" means the  
2 defendant has been found guilty of a criminal charge by the  
3 magistrate or metropolitan judge, either after trial, a plea  
4 of guilty or a plea of nolo contendere. Magistrate judges,  
5 including metropolitan court judges, shall assess and collect  
6 and shall not waive, defer or suspend the following costs:

7 (1) corrections fee, to be collected upon  
8 conviction from persons convicted of violating any provision  
9 of the Motor Vehicle Code involving the operation of a motor  
10 vehicle, convicted of a crime constituting a misdemeanor or a  
11 petty misdemeanor or convicted of violating any ordinance that  
12 may be enforced by the imposition of a term of imprisonment as  
13 follows:

- 14 in a county with a metropolitan court . . . . . \$10.00;
- 15 in a county without a metropolitan court . . . . . 20.00;

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

23 (3) traffic safety fee, to be collected upon  
24 conviction from persons convicted of violating any provision  
25 of the Motor Vehicle Code involving the operation of a motor

1 vehicle . . . . . 3.00;

2 (4) judicial education fee, to be collected  
3 upon conviction from persons convicted of operating a motor  
4 vehicle in violation of the Motor Vehicle Code, convicted of a  
5 crime constituting a misdemeanor or a petty misdemeanor or  
6 convicted of violating any ordinance punishable by a term of  
7 imprisonment . . . . . 3.00;

8 (5) jury and witness fee, to be collected upon  
9 conviction from persons convicted of operating a motor vehicle  
10 in violation of the Motor Vehicle Code, convicted of a crime  
11 constituting a misdemeanor or a petty misdemeanor or convicted  
12 of violating any ordinance punishable by a term of  
13 imprisonment . . . . . 5.00;

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

18 and

19 (7) court facilities fee, to be collected upon  
20 conviction from persons convicted of violating any provision  
21 of the Motor Vehicle Code involving the operation of a motor  
22 vehicle, convicted of a crime constituting a misdemeanor or a  
23 petty misdemeanor or convicted of violating any ordinance that  
24 may be enforced by the imposition of a term of imprisonment as  
25 follows:

1 in a county with a metropolitan court . . . . . 24.00;  
2 in any other county . . . . . 10.00.

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

9 SECTION 3. Section 66-8-116.3 NMSA 1978 (being Laws  
10 1989, Chapter 318, Section 35, Laws 1989, Chapter 319, Section  
11 14 and also Laws 1989, Chapter 320, Section 5, as amended) is  
12 amended to read:

13 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL  
14 FEES.--In addition to the penalty assessment established for  
15 each penalty assessment misdemeanor, there shall be assessed:

16 A. in a county without a metropolitan court, twenty  
17 dollars (\$20.00) to help defray the costs of local government  
18 corrections;

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

20 C. a traffic safety fee of three dollars (\$3.00),  
21 which shall be credited to the traffic safety education and  
22 enforcement fund;

23 D. a judicial education fee of three dollars  
24 (\$3.00), which shall be credited to the judicial education  
25 fund;



1 E. a jury and witness fee of five dollars (\$5.00),  
2 which shall be credited to the jury and witness fee fund;

3 F. a juvenile adjudication fee of one dollar  
4 (\$1.00), which shall be credited to the juvenile adjudication  
5 fund;

6 G. a brain injury services fee of five dollars  
7 (\$5.00), which shall be credited to the brain injury services  
8 fund;

9 H. a court facilities fee as follows:  
10 in a county with a metropolitan court . . . . . \$24.00;  
11 in any other county . . . . . 10.00;  
12 and

13 I. until May 31, 2014, a magistrate courts  
14 operations fee of four dollars (\$4.00), which shall be  
15 credited to the magistrate courts operations fund."

16 SECTION 4. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2011. \_\_\_\_\_

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*Ben Lujan*

BEN LUJÁN, SPEAKER  
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SENATE

*Lenore M. Naranjo*

LENORE M. NARANJO, CHIEF CLERK  
SENATE

Approved by me this 24 day of April, 2011

*Susana Martinez*

SUSANA MARTINEZ, GOVERNOR  
STATE OF NEW MEXICO

OFFICE OF THE GOVERNOR

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