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SENATE BILL 171

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Bill Tallman

AN ACT

RELATING TO COURTS; INCREASING THE BRAIN INJURY SERVICES FEE.

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:

- 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.

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1 Proceeds from this docket fee shall be transferred  
2 to the administrative office of the courts for  
3 deposit in the court facilities fund;  
4 docket fee, twenty dollars (\$20.00) of which shall be  
5 deposited in the court automation fund and fifteen  
6 dollars (\$15.00) of which shall be deposited in the  
7 civil legal services fund, to be collected prior to  
8 docketing any civil action, except as provided in  
9 Subsection A of Section 35-6-3 NMSA 1978 . . . 72.00;  
10 jury fee, to be collected from the party demanding trial  
11 by jury in any civil action at the time the demand  
12 is filed or made . . . . . 25.00;  
13 copying fee, for making and certifying copies of any  
14 records in the court, for each page copied by  
15 photographic process . . . . . 0.50.  
16 Proceeds from this copying fee shall be transferred  
17 to the administrative office of the courts for  
18 deposit in the court facilities fund; and  
19 copying fee, for computer-generated or electronically  
20 transferred copies, per page . . . . . 1.00.  
21 Proceeds from this copying fee shall be transferred  
22 to the administrative office of the courts for  
23 deposit in the court automation fund.

24 Except as otherwise specifically provided by law, docket  
25 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 the  
11 defendant has been found guilty of a criminal charge by the  
12 magistrate or metropolitan judge, either after trial, a plea of  
13 guilty or a plea of nolo contendere. Magistrate judges,  
14 including metropolitan court judges, shall assess and collect  
15 and shall not waive, defer or suspend the following costs:

16                 (1) corrections fee, to be collected upon  
17 conviction from persons convicted of violating any provision of  
18 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 imprisonment as  
22 follows:

- 23                 in a county with a metropolitan court . . . . . \$10.00;
- 24                 in a county without a metropolitan court . . . . . 20.00;

25                 (2) court automation fee, to be collected upon

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

6 imprisonment . . . . . 10.00;

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

11 (4) judicial education fee, to be collected upon  
12 conviction from persons convicted of operating a motor vehicle  
13 in violation of the Motor Vehicle Code, convicted of a crime  
14 constituting a misdemeanor or a petty misdemeanor or convicted  
15 of violating any ordinance punishable by a term of  
16 imprisonment . . . . . 3.00;

17 (5) jury and witness fee, to be collected upon  
18 conviction from persons convicted of operating a motor vehicle  
19 in violation of the Motor Vehicle Code, convicted of a crime  
20 constituting a misdemeanor or a petty misdemeanor or convicted  
21 of violating any ordinance punishable by a term of  
22 imprisonment . . . . . 5.00;

23 (6) brain injury services fee, to be collected  
24 upon conviction from persons convicted of violating any  
25 provision of the Motor Vehicle Code involving the operation of

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1 a motor vehicle . . . . . [~~5.00~~] 6.40;  
2 and

3 (7) court facilities fee, to be collected upon  
4 conviction from persons convicted of violating any provision of  
5 the Motor Vehicle Code involving the operation of a motor  
6 vehicle, convicted of a crime constituting a misdemeanor or a  
7 petty misdemeanor or convicted of violating any ordinance that  
8 may be enforced by the imposition of a term of imprisonment as  
9 follows:

- 10 in a county with a metropolitan court . . . . . 24.00;
- 11 in any other county . . . . . 10.00.

12 E. Metropolitan court judges shall assess and collect  
13 and shall not waive, defer or suspend as costs a mediation fee  
14 not to exceed five dollars (\$5.00) for the docketing of small  
15 claims and criminal actions specified by metropolitan court  
16 rule. Proceeds of the mediation fee shall be deposited into  
17 the metropolitan court mediation fund."

18 SECTION 2. Section 66-8-116.3 NMSA 1978 (being Laws 1989,  
19 Chapter 318, Section 35 and Laws 1989, Chapter 319, Section 14  
20 and also Laws 1989, Chapter 320, Section 5, as amended) is  
21 amended to read:

22 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL  
23 FEES.--In addition to the penalty assessment established for  
24 each penalty assessment misdemeanor, there shall be assessed:

- 25 A. in a county without a metropolitan court, twenty

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1 dollars (\$20.00) to help defray the costs of local government  
2 corrections;

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

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

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

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

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

13 G. a brain injury services fee of [~~five dollars~~  
14 ~~(\$5.00)~~] six dollars forty cents (\$6.40), which shall be  
15 credited to the brain injury services fund; and

16 H. a court facilities fee as follows:  
17 in a county with a metropolitan court . . . . . \$24.00;  
18 in any other county . . . . . 10.00  
19 [~~and~~

20 ~~I. until May 31, 2014, a magistrate courts operations~~  
21 ~~fee of four dollars (\$4.00), which shall be credited to the~~  
22 ~~magistrate courts operations fund]."~~