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SENATE BILL 401

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY
Cliff R. Pirtle

AN ACT

RELATING TO COURTS; PROVIDING FOR SHERIFFS TO ATTEND MAGISTRATE
COURTS UPON REQUEST TO PROVIDE SECURITY.

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

SECTION 1. Section 4-41-16 NMSA 1978 (being Laws 1895,
Chapter 35, Section 1, as amended) is amended to read:

"4-41-16. FEES--ATTENDANCE ON COURTS--SESSIONS OF COUNTY
COMMISSIONERS--HEARING BEFORE JUDGES.--

A. The sheriffs of this state shall be allowed,
except from the state or any state agency, the following fees
and compensations:

(1) for serving every writ, citation, order,
subpoena or summons, not more than forty dollars (\$40.00);

(2) for every writ of capias or attachment for
each defendant, six dollars (\$6.00);

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- 1 (3) for taking and returning every bond
- 2 required by law, five dollars (\$5.00);
- 3 (4) for levying every execution and return of
- 4 same, six dollars (\$6.00);
- 5 (5) for making, executing and delivering every
- 6 sheriff's deed, to be paid by the purchaser, six dollars
- 7 (\$6.00);
- 8 (6) for every return of non est inventus,
- 9 fifty cents (\$.50); and
- 10 (7) for making every return of any process,
- 11 order, summons, citation or decree of any court, two dollars
- 12 (\$2.00).

13 No sheriff shall collect more than one of the fees listed
14 in this subsection, regardless of how many documents may be
15 served upon one or more individuals, when those documents are
16 served at the same time and at the same location.

17 B. In the service of any subpoena or summons for
18 witnesses, the sheriff shall be allowed compensation of one
19 dollar (\$1.00) for each of the witnesses so summoned by the
20 sheriff, notwithstanding that the name of the witness may
21 appear in but one copy of the subpoena or summons.

22 C. It is the duty of the sheriffs of the state to
23 attend:

- 24 (1) the sessions of every district court,
- 25 which attendance shall be paid in the manner now provided by

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1 law;

2 (2) all sessions of the probate court and
3 sessions of the boards of county commissioners, which
4 attendance shall be paid sheriffs out of the general county
5 funds of the county in which the services were rendered; ~~and~~

6 (3) at the trial or hearing before magistrates
7 in felony cases, where the arrest is made by the sheriff,
8 either with or without a warrant, which attendance shall be
9 paid as provided in this section out of the general county
10 funds; but sheriffs shall not be allowed any compensation for
11 attending at the trial of any misdemeanor case before any
12 magistrate unless a sheriff made the arrest in the misdemeanor
13 case; and

14 (4) any session of a magistrate court for
15 which the magistrate has requested the sheriff's presence for
16 security purposes not less than seven days prior to the
17 requested attendance; provided that the sheriff may decline to
18 attend due to lack of available resources."

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