

The Legislature  
of the  
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER \_\_\_\_\_

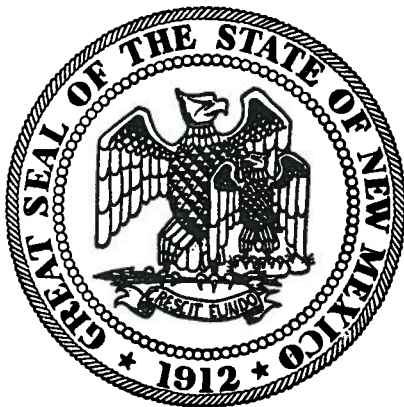
SENATE BILL 166

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Introduced by

SENATOR LINDA M. LOPEZ  
SENATOR GERALD ORTIZ y PINO  
SENATOR PETER WIRTH



ENDORSED BY THE COURTS, CORRECTIONS AND  
JUSTICE COMMITTEE

**VETOED**

1 AN ACT

2 RELATING TO COURTS; CREATING THE APPELLATE TRANSCRIPTION FUND  
3 TO PAY THE COSTS OF APPELLATE TRANSCRIPTS IN ABUSE AND  
4 NEGLECT PROCEEDINGS AND INDIGENT CRIMINAL APPEALS; INCREASING  
5 DOCKET FEES IN THE SUPREME COURT AND COURT OF APPEALS; MAKING  
6 AN APPROPRIATION.

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 SECTION 1. A new section of Chapter 34 NMSA 1978 is  
10 enacted to read:

11 "APPELLATE TRANSCRIPTION FUND--PURPOSE--ADMINISTRATION.--

12 A. The "appellate transcription fund" is created  
13 in the state treasury to be administered by the court of  
14 appeals. The fund consists of docket fees paid in the  
15 supreme court and the court of appeals as provided in  
16 Sections 34-2-5 and 34-5-6 NMSA 1978.

17 B. Money in the appellate transcription fund is  
18 appropriated to the court of appeals for payment of costs  
19 associated with producing and administering transcripts and  
20 appeals in indigent criminal cases and in cases arising from  
21 abuse and neglect proceedings that are appealed to the court  
22 of appeals or to the supreme court.

23 C. Payments from the appellate transcription fund  
24 shall be made upon vouchers issued and signed by the chief  
25 clerk of the court of appeals upon warrants drawn by the

1 secretary of finance and administration.

2 D. Any balance remaining in the appellate  
3 transcription fund at the end of a fiscal year shall not  
4 revert to the general fund."

5 SECTION 2. Section 34-2-5 NMSA 1978 (being Laws 1933,  
6 Chapter 81, Section 1, as amended) is amended to read:

7 "34-2-5. FEES--COLLECTION BY SUPREME COURT CLERK.--

8 A. The clerk of the supreme court shall collect  
9 the following fees:

10 (1) in all cases docketed in the court, two  
11 hundred twenty-five dollars (\$225), two hundred twenty-one  
12 dollars (\$221) of which shall be deposited in the appellate  
13 transcription fund; provided that in cases in which a motion  
14 to docket and dismiss an appeal is filed for failure to file  
15 a statement of the issues, the fee shall be twenty dollars  
16 (\$20.00), which shall be deposited in the appellate  
17 transcription fund;

18 (2) for one copy of files or a record, ten  
19 cents (\$.10) per folio and for additional copies ordered at  
20 the same time, five cents (\$.05) per folio;

21 (3) for comparing copies of files or records  
22 tendered to the clerk, five cents (\$.05) per folio; and

23 (4) for each certificate, one dollar  
24 (\$1.00).

25 B. Docket fees shall not be collected in

1 proceedings in forma pauperis, from state officers acting in  
2 their official capacity, where a statutory exemption exists  
3 or where the court, on a showing of poverty, waives the fee  
4 by order."

5 SECTION 3. Section 34-5-6 NMSA 1978 (being Laws 1966,  
6 Chapter 28, Section 6, as amended) is amended to read:

7 "34-5-6. COURT OF APPEALS--FEES AND COSTS.--

8 A. The clerk of the court of appeals shall collect  
9 the following fees:

- 10 docket fee, which shall be deposited in the
- 11 appellate transcription fund . . . . . \$225.00
- 12 docket fee for cases in which a
- 13 motion to docket and dismiss the
- 14 appeal is filed for failure to file a
- 15 docketing statement, which shall be deposited
- 16 in the appellate transcription fund . . . . . 20.00
- 17 single copy of records, per typewritten folio. . . . . 10
- 18 each additional copy of records ordered at
- 19 same time, per typewritten folio. . . . . 05
- 20 copies of records reproduced by photographic
- 21 process, per page. . . . . 10
- 22 comparing copies of records tendered to the clerk,
- 23 per folio. . . . . 05
- 24 each certificate . . . . . 1.00.

25 B. No fees or costs shall be required in

SECTION 34-5-6 NMSA 1978  
CHAPTER 28, SECTION 6, AS AMENDED  
IS AMENDED TO READ:

1 proceedings in forma pauperis, from state officers acting in  
2 their official capacity or in any other case where a  
3 statutory exemption exists.

4 C. Except as otherwise specifically provided by  
5 law, the clerk of the court of appeals shall pay all fees and  
6 costs to the state treasurer for credit to the state general  
7 fund."

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

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CHIEF OF COURTS  
JUL 1 2011 10:05  
LEGISLATIVE

s/John A. Sanchez  
John A. Sanchez, President  
Senate

s/Lenore M. Naranjo  
Lenore M. Naranjo, Chief Clerk  
Senate

s/Ben Lujan  
Ben Lujan, Speaker  
House of Representatives

s/Stephen R. Arias  
Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011

s/Governor Susana Martinez  
Governor Susana Martinez  
State of New Mexico