



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER _____

SENATE BILL 23

Introduced by

SENATOR GERALD ORTIZ y PINO
REPRESENTATIVE ANTONIO LUJAN



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AN ACT
RELATING TO CHILDREN; CREATING THE CORINNE WOLFE CHILDREN'S
LAW CENTER AT THE INSTITUTE OF PUBLIC LAW TO PROVIDE
EDUCATION ON CHILD WELFARE AND JUVENILE JUSTICE; CREATING THE
CHILD PROTECTION EDUCATION FUND; IMPOSING A FEE; MAKING AN
APPROPRIATION.

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

SECTION 1. CORINNE WOLFE CHILDREN'S LAW CENTER--
CREATED--PURPOSE.--

A. The "Corinne Wolfe children's law center" is
created at the institute of public law at the university of
New Mexico school of law.

B. The Corinne Wolfe children's law center shall
work to improve outcomes for children and youth involved in
child welfare and juvenile justice by providing education,
training, reference materials and technical assistance on
child abuse, child neglect, delinquency and related areas,
within the limits of its funding resources, for judges, court
personnel, social workers, attorneys, court-appointed special
advocates and citizen review board volunteers, guardians ad
litem, juvenile probation officers and all other officials,
volunteers and professionals who work in or with the child
welfare and juvenile justice legal systems in the state of
New Mexico.

1 SECTION 2. CHILD PROTECTION EDUCATION FUND--
2 CREATED--PURPOSE.--

3 A. The "child protection education fund" is
4 created in the state treasury and is administered by the
5 institute of public law at the university of New Mexico
6 school of law. Money in the fund shall be invested by the
7 state treasurer as provided by law, and earnings of the fund
8 shall be credited to the fund. Unexpended or unencumbered
9 balances remaining in the fund at the end of any fiscal year
10 shall not revert to any other fund.

11 B. The child protection education fund consists of
12 child protection education fees levied and collected pursuant
13 to Sections 35-6-1 and 66-8-116.3 NMSA 1978 and any gifts,
14 appropriations, grants and donations.

15 C. Money in the child protection education fund is
16 subject to appropriation by the legislature to the board of
17 regents of the university of New Mexico to support the work
18 of the Corinne Wolfe children's law center at the institute
19 of public law as described in Section 1 of this act.

20 D. Payments from the child protection education
21 fund shall be made upon vouchers issued and signed by the
22 director of the institute of public law upon warrants drawn
23 by the secretary of finance and administration.

24 SECTION 3. Section 35-6-1 NMSA 1978 (being Laws 1968,
25 Chapter 62, Section 92, as amended) is amended to read:

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

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

6 docket fee, criminal actions under Section 29-5-1 NMSA
7 1978 \$ 1.00;

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

11 Proceeds from this docket fee shall be transferred
12 to the administrative office of the courts for
13 deposit in the court facilities fund;

14 docket fee, twenty dollars (\$20.00) of which shall be
15 deposited in the court automation fund and fifteen
16 dollars (\$15.00) of which shall be deposited in the
17 civil legal services fund, to be collected prior to
18 docketing any civil action, except as provided in
19 Subsection A of Section 35-6-3 NMSA 1978. . .72.00;

20 jury fee, to be collected from the party demanding trial
21 by jury in any civil action at the time the demand
22 is filed or made 25.00;

23 copying fee, for making and certifying copies of any
24 records in the court, for each page copied by
25 photographic process 0.50.

1 Proceeds from this copying fee shall be transferred
2 to the administrative office of the courts for
3 deposit in the court facilities fund; and
4 copying fee, for computer-generated or electronically
5 transferred copies, per page 1.00.

6 Proceeds from this copying fee shall be transferred
7 to the administrative office of the courts for
8 deposit in the court automation fund.

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

11 B. Except as otherwise provided by law, no other
12 costs or fees shall be charged or collected in the magistrate
13 or metropolitan court.

14 C. The magistrate or metropolitan court may grant
15 free process to any party in any civil proceeding or special
16 statutory proceeding upon a proper showing of indigency. The
17 magistrate or metropolitan court may deny free process if it
18 finds that the complaint on its face does not state a cause
19 of action.

20 D. As used in this subsection, "convicted" means
21 the defendant has been found guilty of a criminal charge by
22 the magistrate or metropolitan judge, either after trial, a
23 plea of guilty or a plea of nolo contendere. Magistrate
24 judges, including metropolitan court judges, shall assess and
25 collect and shall not waive, defer or suspend the following

1 costs:

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

9 in a county with a metropolitan court \$10.00;
10 in a county without a metropolitan court 20.00;

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

18 (3) traffic safety fee, to be collected upon
19 conviction from persons convicted of violating any provision
20 of the Motor Vehicle Code involving the operation of a motor
21 vehicle 3.00;

22 (4) judicial education fee, to be collected
23 upon conviction from persons convicted of operating a motor
24 vehicle in violation of the Motor Vehicle Code, convicted of
25 a crime constituting a misdemeanor or a petty misdemeanor or

1 convicted of violating any ordinance punishable by a term of
2 imprisonment 3.00;

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

9 (6) brain injury services fee, to be
10 collected upon conviction from persons convicted of violating
11 any provision of the Motor Vehicle Code involving the
12 operation of a motor vehicle 5.00;

13 (7) court facilities fee, to be collected
14 upon conviction from persons convicted of violating any
15 provision of the Motor Vehicle Code involving the operation
16 of a motor vehicle, convicted of a crime constituting a
17 misdemeanor or a petty misdemeanor or convicted of violating
18 any ordinance that may be enforced by the imposition of a
19 term of imprisonment as follows:

20 in a county with a metropolitan court 24.00;
21 in any other county 10.00; and

22 (8) child protection education fee, to be
23 collected upon conviction from persons convicted of operating
24 a motor vehicle in violation of the Motor Vehicle Code,
25 convicted of a crime constituting a misdemeanor or a petty

1 misdemeanor or convicted of violating any ordinance
2 punishable by a term of imprisonment 1.00.

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 4. Section 35-7-4 NMSA 1978 (being Laws 1968,
10 Chapter 62, Section 99, as amended) is amended to read:

11 "35-7-4. MAGISTRATE ADMINISTRATION--MONTHLY
12 REMITTANCES.--Each magistrate court shall pay to the
13 administrative office of the courts, not later than the date
14 each month established by regulation of the director of the
15 administrative office, the amount of all fines, forfeitures
16 and costs collected by the court during the previous month,
17 except for amounts disbursed in accordance with law. The
18 administrative office shall return to each magistrate court a
19 written receipt itemizing all money received. The
20 administrative office shall deposit the amount of all fines
21 and forfeitures with the state treasurer for credit to the
22 current school fund. The administrative office shall deposit
23 the amount of all costs, except all costs collected pursuant
24 to Subsections D and E of Section 35-6-1 NMSA 1978, for
25 credit to the general fund. The amount of all costs

1 collected pursuant to Subsections D and E of Section 35-6-1
2 NMSA 1978 shall be credited as follows:

3 A. the amount of all costs collected pursuant to
4 Paragraph (1) of Subsection D of Section 35-6-1 NMSA 1978 for
5 credit to the local government corrections fund;

6 B. the amount of all costs collected pursuant to
7 Paragraph (2) of Subsection D of Section 35-6-1 NMSA 1978 for
8 credit to the court automation fund;

9 C. the amount of all costs collected pursuant to
10 Paragraph (3) of Subsection D of Section 35-6-1 NMSA 1978 for
11 credit to the traffic safety education and enforcement fund;

12 D. the amount of all costs collected pursuant to
13 Paragraph (4) of Subsection D of Section 35-6-1 NMSA 1978 for
14 credit to the judicial education fund;

15 E. the amount of all costs collected pursuant to
16 Paragraph (5) of Subsection D of Section 35-6-1 NMSA 1978 for
17 credit to the jury and witness fee fund;

18 F. the amount of all costs collected pursuant to
19 Paragraph (6) of Subsection D of Section 35-6-1 NMSA 1978 for
20 credit to the brain injury services fund;

21 G. the amount of all costs collected pursuant to
22 Paragraph (7) of Subsection D of Section 35-6-1 NMSA 1978 for
23 credit to the court facilities fund;

24 H. the amount of all costs collected pursuant to
25 Paragraph (8) of Subsection D of Section 35-6-1 NMSA 1978 for

1 credit to the child protection education fund; and

2 I. the amount of all costs collected pursuant to
3 Subsection E of Section 35-6-1 NMSA 1978 for credit to the
4 metropolitan court mediation fund."

5 SECTION 5. Section 66-8-116.3 NMSA 1978 (being Laws
6 1989, Chapter 318, Section 35, Laws 1989, Chapter 319,
7 Section 14 and also Laws 1989, Chapter 320, Section 5, as
8 amended) is amended to read:

9 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--
10 ADDITIONAL FEES.--In addition to the penalty assessment
11 established for each penalty assessment misdemeanor, there
12 shall be assessed:

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

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

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

20 D. a judicial education fee of three dollars
21 (\$3.00), which shall be credited to the judicial education
22 fund;

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

25 F. a juvenile adjudication fee of one dollar

1 (\$1.00), which shall be credited to the juvenile adjudication
2 fund;

3 G. a brain injury services fee of five dollars
4 (\$5.00), which shall be credited to the brain injury services
5 fund;

6 H. a court facilities fee as follows:
7 in a county with a metropolitan court \$24.00;
8 in any other county 10.00;

9 I. a child protection education fee of one dollar
10 (\$1.00), which shall be credited to the child protection
11 education fund; and

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

15 SECTION 6. Section 66-8-119 NMSA 1978 (being Laws 1968,
16 Chapter 62, Section 159, as amended) is amended to read:

17 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

18 A. The division shall remit all penalty assessment
19 receipts, except receipts collected pursuant to Subsections A
20 through J of Section 66-8-116.3 NMSA 1978, to the state
21 treasurer for credit to the general fund.

22 B. The division shall remit all penalty assessment
23 fee receipts collected pursuant to:

24 (1) Subsection A of Section 66-8-116.3 NMSA
25 1978 to the state treasurer for credit to the local

1 government corrections fund;

2 (2) Subsection B of Section 66-8-116.3 NMSA
3 1978 to the state treasurer for credit to the court
4 automation fund;

5 (3) Subsection C of Section 66-8-116.3 NMSA
6 1978 to the state treasurer for credit to the traffic safety
7 education and enforcement fund;

8 (4) Subsection D of Section 66-8-116.3 NMSA
9 1978 to the state treasurer for credit to the judicial
10 education fund;

11 (5) Subsection E of Section 66-8-116.3 NMSA
12 1978 to the state treasurer for credit to the jury and
13 witness fee fund;

14 (6) Subsection F of Section 66-8-116.3 NMSA
15 1978 to the state treasurer for credit to the juvenile
16 adjudication fund;

17 (7) Subsection G of Section 66-8-116.3 NMSA
18 1978 to the state treasurer for credit to the brain injury
19 services fund;

20 (8) Subsection H of Section 66-8-116.3 NMSA
21 1978 to the state treasurer for credit to the court
22 facilities fund;

23 (9) Subsection I of Section 66-8-116.3 NMSA
24 1978 to the state treasurer for credit to the child
25 protection education fund; and

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(10) Subsection J of Section 66-8-116.3 NMSA
1978 to the state treasurer for credit to the magistrate
courts operations fund."

SECTION 7. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2011. _____

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UNOFFICIAL COPY
SENATE CLERK
JAN 11 2011 10:00 AM

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



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2011 APR -6 AM 11: 24

State of New Mexico

OFFICE OF
SECRETARY OF STATE

Susana Martinez
Governor

April 6, 2011

SENATE EXECUTIVE MESSAGE NO. 35

The Honorable Timothy Z. Jennings, President Pro Tempore
And Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

Dear President Pro Tempore Jennings and Members of the Senate:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and am returning SENATE BILL 23, enacted by the Fiftieth Legislature, First Session, 2011

This bill establishes in statute the Corinne Wolfe Children's Law Center at the Institute of Public Law at the University of New Mexico. It also creates a fund to accept monies collected from an increase in fees on individuals who commit traffic violations and other crimes.

The Corinne Wolfe Children's Law Center already exists and is housed at the University of New Mexico. While I support organizations that seek to improve the well-being of New Mexico's children, as demonstrated throughout my twenty-five-year career as a prosecutor, I do not support funding these operations through an increase of fees on New Mexico citizens.

Furthermore, in lean economic times when the State is evaluating all its expenditures, it is not wise policy to create new funds outside the budget because it reduces the State's ability to establish spending priorities. Instead, government should strive to live within its means—without increasing fees to pay for expanding State programs.

Respectfully yours,

Susana Martinez
Governor

SENATE EXECUTIVE MESSAGE NO. 35
The Honorable Timothy Z. Jennings
April 6, 2011
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RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 11:24 (a.m.) p.m.
Date: 4/6/ 2011

By Larry Dominguez
for Secretary of State

Time: _____ a.m. p.m.
Date: _____ 2011

By _____
Chief Clerk of the Senate