

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 03-8200

**IN THE MATTER OF THE ADOPTION OF A
COLLECTION SCHEME FOR FINES, FEES,
AND COSTS ASSESSED IN CRIMINAL PROCEEDINGS**

ORDER

WHEREAS, Section 31-12-3(A) NMSA allows any person sentenced to pay a fine or to pay fees and costs in any criminal proceedings against him in installments or allows community service to be performed in lieu of costs and fees; and

WHEREAS, effective July 1, 2003, new and increased fees will be added to criminal convictions, specifically, \$10 was added to the correction fee, \$1 was added to the judicial education fee, and a new \$5 fee to fund domestic violence treatment programs was enacted, and the Court having considered said Legislative changes and being sufficiently advised, Chief Justice Petra Jimenez Maes, Justice Pamela B. Minzner, Justice Patricio M. Serna, Justice Richard C. Bosson, and Justice Edward L. Chavez concurring;

NOW, THEREFORE, IT IS ORDERED that effective July 1, 2003, the money received shall be applied in the following order when the fee is applicable:

1. Court Costs/Docket Fee ----- Section 35-6-1 NMSA 1978
2. Court Automation Fee----- Section 35-6-1 NMSA 1978
3. Court Facilities Fee----- Section 35-6-1 NMSA 1978
4. Driving While Under the Influence Lab Fee ----- Section 31-12-7 NMSA 1978
5. Substance Abuse Lab Fee----- Section 31-12-8 NMSA 1978
6. Corrections Fee----- Section 35-6-1 NMSA 1978
7. Traffic Safety Fee ----- Section 35-6-1 NMSA 1978
8. Driving While Under the Influence Prevention Fee-- Section 31-12-7 NMSA 1978
9. Judicial Education Fee ----- Section 35-6-1 NMSA 1978
10. Brain Injury Services Fee ----- Section 35-6-1 NMSA 1978
11. Domestic Violence Treatment Fee ----- Section 34-15-1 & -2 NMSA 1978
12. Bench Warrant Fee----- Sections 34-8A-12 and 35-6-5 NMSA 1978
13. Fines----- Section 31-19-1 NMSA 1978

IT IS FURTHER ORDERED that community service performed in lieu of payment or a jail payout shall be applied starting with number thirteen (13) fines and proceed in reverse order;

IT IS FURTHER ORDERED that the collection scheme is based upon the principles that fees numbered one (1) through eleven (11) shall not be waived, deferred or suspended; that fees numbered one (1) through three (3) are pledged to pay off bonds (court costs are paid into the Court Facilities Fund) or to directly fund the courts; fees numbered four (4) through eleven (11) are paid off in the order in which they were enacted; fee numbered twelve (12) must be assessed but may be waived; and fines numbered thirteen (13) may be waived, unless mandatory.

IT IS SO ORDERED.

Done in Santa Fe, New Mexico, this 18th day of June, 2003.

Chief Justice Petra Jimenez Maes

Justice Pamela B. Minzner

Justice Patricio M. Serna

Justice Richard C. Bosson

Justice Edward L. Chavez