

HOUSE BILL 151

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

William "Bill" R. Rehm

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO COURTS; PROVIDING THAT A JUDGMENT AND SENTENCE ISSUED BY A DISTRICT COURT THAT INCLUDES AN ASSESSMENT OF FINES, FEES OR COSTS CONSTITUTES A MONEY JUDGMENT; PROVIDING THAT A DISTRICT, METROPOLITAN OR MAGISTRATE COURT MAY ADD TO THE UNDERLYING JUDGMENT REASONABLE COSTS OF COLLECTION PURSUANT TO THE JUDGEMENT AND SENTENCE

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

SECTION 1. A new section of Chapter 34, Article 6 NMSA 1978 is enacted to read:

"[NEW MATERIAL] COLLECTION OF FINES, FEES OR COSTS.—A judgment and sentence issued by a district court that includes an assessment of fines, fees or costs shall constitute a money judgment that may be enforced in the same manner as a

civil judgment. The money judgment may be assigned by the court to a public or private agency or business for collection purposes, pursuant to the terms and conditions of a written agreement entered into by the court and the agency or business. The court may add reasonable costs of collection not to exceed twenty-five percent of any fines, fees or costs that remain unpaid for more than ninety days pursuant to the judgment and sentence."

SECTION 2. Section 34-8A-13 NMSA 1978 (being Laws 1993, Chapter 261, Section 6) is amended to read:

"34-8A-13. COLLECTION OF FINES, FEES OR COSTS.—A judgment and sentence issued by [~~the Bernalillo county~~] a metropolitan court that includes an assessment of fines, fees or costs shall constitute a money judgment that may be enforced in the same manner as a civil judgment in the district court. The money judgment may be assigned by the court to a public or private agency or business for collection purposes, pursuant to the terms and conditions of a written agreement entered into by the court and the agency or business. The court may add reasonable costs of collection not to exceed twenty-five percent of any fines, fees or costs that remain unpaid for more than ninety days pursuant to the judgment and sentence."

SECTION 3. Section 35-6-6 NMSA 1978 (being Laws 1993, Chapter 261, Section 8) is amended to read:

"35-6-6. COLLECTION OF FINES, FEES OR COSTS.--A judgment and sentence issued by a magistrate court that includes an assessment of fines, fees or costs shall constitute a money judgment that may be enforced in the same manner as a civil judgment in the district court. The money judgment may be assigned by the court to a

public or private agency or business for collection purposes, pursuant to the terms and conditions of a written agreement entered into by the court and the agency or business.

The court may add reasonable costs of collection not to exceed twenty-five percent of any fines, fees or costs that remain unpaid for more than ninety days pursuant to the judgment and sentence."

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