

Kathleen J. Hilborn
Clerk of the Supreme Court
of the State of New Mexico

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 99-8500

SUPREME COURT OF NEW MEXICO
FILED

FEB 18 1999

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

Kathleen J. Hilborn

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;

NOW, THEREFORE, IT IS ORDERED that the money received or community service performed in lieu of payment 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 32-12-8 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. Bench Warrant Fee----- Sections 34-8A-12 and 35-6-5 NMSA 1978
12. Fines----- Section 31-19-1 NMSA 1978

IT IS FURTHER ORDERED that the collection scheme is based upon the principles that fees numbered one (1) through ten (10) shall not be waived, deferred or suspended; that fees numbered one (1) through (3) three are pledged to pay off bonds (court costs are paid into the Court Facilities Fund); fees numbered four (4) through ten (10) are paid off in the order in which

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they were enacted; fee numbered eleven (11) must be assessed but may be waived; and fines numbered twelve (12) may be waived, unless mandatory.

IT IS SO ORDERED.

Pamela B. Minzner
Chief Justice Pamela B. Minzner

Joseph F. Baca
Senior Justice Joseph F. Baca

Gene E. Franchini
Justice Gene E. Franchini

Patricio M. Serna
Justice Patricio M. Serna

Petra Jimenez Maes
Justice Petra Jimenez Maes

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Kathleen J. Gibson