

City of Aztec
Ordinance 2024-546
An Ordinance Amending Chapter 13 Municipal Courts

WHEREAS, the State of New Mexico legislatures have abolished the ability for Municipalities to charge a Court Cost; and

WHEREAS, the Court Costs were to offset expenses of costs for corrections fees, judicial education fees, and court automation fees; and

WHEREAS, these fees were established within Chapter 13 Municipal Courts.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico, that the Intent to Adopt Ordinance 2024-546, be adopted as attached.

PASSED, APPROVED AND SIGNED this ____ day of _____, 2024 and to become effective July 1st, 2024.

Michael A. Padilla, Sr., Mayor

ATTEST:

Karla Sayler, City Clerk CMC

APPROVE AS TO FORM:

City Attorney

Advertised Date of Final Adoption: _____

Effective Date of Ordinance: _____

Chapter 13 MUNICIPAL COURT

Sec. 13-1. Scope of Judicial Branch.

The municipal court is part of the judicial branch of government and the doctrine of separation of powers applies to the municipal court and the balance of municipal government, just as separation of powers applies to the state legislature, executive, and state courts.

(Code 2007, 13-1)

Sec. 13-2. Jurisdiction.

The municipal court has the jurisdiction provided by law.

(Code 2007, 13-2)

Sec. 13-3. Location, Presiding Officer.

The municipal court shall be located in quarters provided by the city commission and shall be presided over by the municipal judge.

(Code 2007, 13-3)

Sec. 13-4. Submission of Budget.

The municipal court cannot be required to submit a budget to the executive branch of government as a prerequisite to submittal of the budget to the legislative branch for an appropriation, but is encouraged to do so.

(Code 2007, 13-4)

Sec. 13-5. Traffic Fines Payable to Clerk.

The municipal judge shall designate the specific offenses under the traffic code of the city, the fines for which may be accepted by the clerk of the municipal court upon a plea of guilty and shall specify, by suitable schedule, the amount of such fines.

(Code 2007, 13-5)

Sec. 13-6. Compliance with Supreme Court Rules.

Court proceedings in the municipal court shall be conducted in accordance with the rules and procedures promulgated by the state supreme court.

(Code 2007, 13-6)

Sec. 13-7. Citation or Summons as First Process.

In each case in municipal court where the alleged violation does not amount to a breach of the peace, first process shall be a citation or summons directing the defendant to appear before the court. In the event the person fails to appear as directed, a warrant shall be issued for the person's arrest.

(Code 2007, 13-7)

Sec. 13-8. Citations; Authority to Issue.

1. The following officers and employees of the city shall have the authority to issue citations in lieu of summons as first process in municipal court on forms of citation approved by the municipal court:
 - (1) Police officers;
 - (2) Animal control officers;
 - (3) Code enforcement officers; and
 - (4) Fire chief, assistant fire chief and fire captain.
2. Such persons shall not be authorized to issue any citation except within the scope of their duties as defined in this Code, or if not herein defined as limited by their traditional duties and expertise.
(Code 2007, 13-8)

Sec. 13-9. Suspended Sentences; Probation; Community Service.

1. The municipal court may, upon entry of a plea of guilty or judgment of conviction:
 - (1) Suspend in whole or in part the execution of sentence; or
 - (2) Place the defendant on probation for a period not exceeding one (1) year on terms and conditions the court deems best; or both. The court may as a condition of probation require the defendant to serve a period of time in volunteer labor to be known as community service. The type of labor and period of service shall be at the sole discretion of the court; provided that any person receiving community service shall be immune from any civil liability other than gross negligence arising out of the community service, and any person who performs community service pursuant to court order or any criminal diversion program shall not be entitled to any wages, shall not be considered an employee for any purpose and shall not be entitled to workmen's compensation, un-employment benefits or any other benefits otherwise provided by law. As used in this paragraph, "community service" means any labor that benefits the public at large or any public, charitable or educational entity or institution.
2. Suspension of execution of the sentence or probation, or both, shall be granted only when the municipal judge is satisfied it will serve the ends of justice and of the public, and the defendant's liability for any fine or other punishment imposed is fully discharged upon successful completion of the terms and conditions of probation.
(Code 2007, 13-9)

Sec. 13-10. ~~Reserved Corrections Fee Assessment.~~

- ~~1. The municipal judge shall collect a corrections fee of twenty dollars (\$20.00) upon conviction, from persons convicted of violating any ordinance which may be enforced by the imposition of a term of imprisonment.~~

- ~~2. All money collected pursuant for correction fee assessment shall be deposited in a special fund in the municipal treasury and shall be used for:~~
- ~~(1) Municipal jailer or juvenile detention officer training;~~
 - ~~(2) The construction planning, construction, operation and maintenance of a municipal jail, or juvenile detention facility;~~
 - ~~(3) Paying the cost of housing municipal prisoners in a county jail to detention facility or housing juveniles in a detention facilities;~~
 - ~~(4) Complying with match or contribution requirements for the receipt of federal funds relating to jails or juvenile detention facilities;~~
 - ~~(5) Providing inpatient treatment or other substance abuse programs in conjunction with or as an alternative to jail sentencing;~~
 - ~~(6) Defraying the cost of transporting prisoners to jails or juveniles to juvenile detention facilities; or~~
 - ~~(7) Providing electronic monitoring system.~~
- ~~3. A municipality may credit the interest collected from fees deposited in the special fund to the municipality's general fund.~~
(Code 2007, 13-10)

Sec. 13-11. Reserved. Judicial Fee Assessment.

- ~~1. The municipal judge shall collect a judicial fee upon conviction, from persons convicted of violating any ordinance which may be enforced by the imposition of a term of imprisonment. The judicial fee is established in Section 1-12-3 Mandatory Fees Collected upon Conviction.
(Ord. 2010-388, eff. 2010-Aug-04)~~
- ~~2. The municipal judge shall collect a judicial education fee upon conviction, from persons convicted of violating any ordinance which may be enforced by the imposition of a term of imprisonment. The judicial education fee is established in Section 1-12-3.
(Ord. 2009-376, eff. 2009-Aug-19; Code 2007, 13-11)~~

Sec. 13-12. Lab Fee for Possession of Controlled Substances.

The municipal judge shall collect a lab fee of seventy five dollars (\$75.00) upon conviction, from persons convicted of violating possession of a controlled substance code. This fee is established under [Sec. 1-12-3\(4\)](#).
(Ord. 2010-392, eff. 2011-Jan-14)