

State of New Mexico Municipal Court Automation Program

Mission of the New Mexico Municipal Court Automation Program (MCAP):

To assist New Mexico Municipal Courts in meeting statutory requirements for automation and reporting, and to administer the Municipal Court Automation Fund in a way that will best help New Mexico Municipal Courts meet these requirements.

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In 1994, the New Mexico State Legislature enacted legislation establishing the Municipal Court Automation Fund (MCAF):

- NMSA 34-9-12 created the Municipal Court Automation Fund. The fund is administered by the Administrative Office of the Courts (AOC) for the purpose of “purchasing, maintaining and operating” court automation systems in municipal courts;
- NMSA 35-14-11 requires that municipalities assess and remit fees, including the \$6 automation fee that funds the MCAF.

Municipal courts are funded by their respective municipalities and are not part of the state court system (although the Supreme Court has superintending authority over them). The MCAF provides municipal courts with the resources needed to fulfill the previously-unfunded mandate of NMSA 35-14-12, which requires that municipal courts be automated to provide electronic records for DWI and domestic violence.

The fund is administered by the AOC, with the Automation Committee of the New Mexico Municipal Judges Association (NMMJA) assuming primary oversight of the program. Two full-time individuals, employed by AOC, complete the day-to-day work of the program.

Since the program’s inception in 1996, over \$12 million has been returned to municipal courts for these automation efforts, in the form of reimbursements. Over 54,000 DWI and 4,500 domestic violence dispositions have been reported electronically. This disposition data is available through the Judiciary’s web page: [nmcourts.gov](http://nmcourts.gov).

Reimbursement for Automation Expenses. Municipal courts meeting statutory requirements for fee remittance and disposition reporting are eligible to apply for reimbursement from the fund. Items eligible for reimbursement are determined by the Automation Committee of the NMMJA and are documented on the program’s Categories of Support list.

Funds are allocated among courts by fiscal year. Application for reimbursement is made through the program manager, where requests are reviewed for eligibility and availability of funds and allocation. Requests go through additional review & approval cycles by the Automation Committee of the NMMJA, AOC, and the NM State Dept. Of Finance Authority.

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Fee Remittance. Municipalities are required (per NMSA 35-14-11) to enact ordinances for the assessment of fines and fees upon *persons convicted of violating any municipal ordinance relating to the operation of a motor vehicle or any ordinance that may be enforced by imposing a term of imprisonment*. Fees currently assessed, collected, and remitted or retained include:

- \$20 corrections fee (stays with the municipality);
- \$6 automation fee (sent to the AOC);
- \$3 judicial education fee (sent to the Judicial Education Center).

In DWI cases, additional fees are collected and remitted to the AOC (NMSA 31-12-7):

- \$85 DWI lab fee (increased from \$65 per a statutory change effective July 1, 2010);
- \$75 DWI prevention fee.

A \$75 substance abuse lab fee is collected and remitted to the AOC for violations of the Substance Abuse Act (ref. NMSA 31-12-8).

Except in home-rule municipalities, municipal courts may impose and collect only these fees.

Disposition Reporting. Municipal courts are required to report DWI dispositions in an electronic format specified by the Judicial Information Systems Council (JIFFY) from September 1991 forward. This date is three years prior to program inception and is based on state records retention guidelines (ref. Fern Goodman, AOC General Counsel).

Initially only convictions were reported, but now all DWI dispositions are reported. JIFFY added the requirement to report dismissal and not-guilty verdicts in September 2000; the requirement was upheld by the New Mexico Supreme Court in 2010 (Order 10-8500).

Only historic domestic violence dispositions are currently reported; 2002 legislation increased penalties for Battery Against a Household Member, thus taking domestic violence out of the jurisdiction of municipal courts.

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