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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2007 - 34

AN ORDINANCE

AMENDING SECTION 1-3.2 SFCC 1987 TO INCLUDE A SUBSTANCE ABUSE FEE AND A MUNICIPAL COURT BENCH WARRANT FEE; AND AMENDING SECTION 1-3.3 SFCC 1987 TO BE CONSISTENT WITH THE CURRENT PRACTICE OF THE MUNICIPAL COURT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 1-3.2 SFCC 1987 (being Ord. #2005-7) is amended to read:

1-3.2 Imposition of Municipal Court Fees.

A. The city hereby imposes the following fees which shall be collected by the municipal court whenever someone is convicted by the court for a violation of this code.

- (1) Corrections fee \$20.00
- (2) Judicial education fee \$2.00
- (3) Court automation fee \$6.00
- (4) Court administrative fee \$10.00
- (5) In-house automation fee \$2.00

B. The city hereby imposes a traffic safety fee of one dollar (\$1.00) which shall be collected by the municipal court whenever someone is convicted by the court for a violation of Chapter XXIV.

C. The corrections fee, the judicial education fee and the court automation fee shall be remitted to the state according to the applicable state law. The court administrative fee shall be

1 retained by the city for the municipal court. The in-house automation fee shall be retained by the
2 city and used for in-house automation systems in the municipal court. The traffic safety fee shall
3 be retained by the city and used for tracking statistics for traffic related grants at the police
4 department.

5 D. Five dollars (\$5.00) out of the ten dollar (\$10.00) administrative fee shall be
6 specifically earmarked for alternative sentencing programs at the municipal court. If the amount
7 collected under this paragraph is more than is needed for this program, there shall be an
8 alternative place to put the money.

9 E. A person convicted of a violation of the provisions of the Controlled Substances
10 Act [30-31-1 NMSA 1978] or a person convicted of distribution or possession of a controlled
11 substance pursuant to Article 16-15 SFCC 1987 shall be assessed, in addition to any other fee or
12 fine, a fee of seventy-five dollars (\$75.00) to defray the costs of chemical and other analyses of
13 controlled substances. Collection of such fees shall be transmitted to the administrative office of
14 the courts pursuant to Section 31-12-9 NMSA 1978.

15 F. Upon issuance of a bench warrant, the municipal court shall assess an
16 administrative fee of one hundred dollars (\$100.00) against the individual whose arrest is
17 commanded by the bench warrant. Money collected pursuant to the bench warrant fee assessment
18 authorized by this subsection shall be deposited in the general fund of the city of Santa Fe.

19 **Section 2. Section 1-3.3 SFCC 1987 (being Ord. #1963-4) is amended to read:**

20 **1-3.3 Code Violations; Summons to Appear in Court; Arrest Warrant.**

21 A. In cases involving violations of the Santa Fe City Code of 1987 or other
22 municipal ordinances not amounting to a breach of the peace, the first process shall be a citation
23 or summons requiring the party charged to appear before the municipal court, at a time fixed in
24 the citation or summons. Upon the failure of the party charged to appear, a warrant for his arrest
25 shall be issued by the municipal judge for the offense specified in the citation or summons,

1 commanding that the party charged be arrested and proceedings had as in the case when arrest is
2 made upon a warrant in the first instance.

3 B. Any person upon whom any fine or penalty is imposed may, upon order of the
4 court convicting him, be committed to the county jail or other place provided by the city for the
5 incarceration of offenders until the fine or penalty is fully paid.

6 PASSED, APPROVED, and ADOPTED this 11th day of September, 2007.

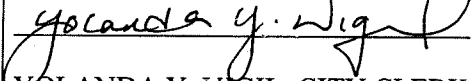
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10 DAVID COSS, MAYOR

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12 ATTEST:

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15 YOLANDA Y. VIGIL, CITY CLERK

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17 APPROVED AS TO FORM:

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19 
20 FRANK D. KATZ, CITY ATTORNEY

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25 jep/N/Ord 2007/Bench Warrant Fee