

**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 three pieces of legislation:

- (1) § 34-9-12 NMSA 1978 created the Municipal Court Automation Fund. This fund is administered by the Administrative Office of the Courts for the purpose of “purchasing, maintaining and operating a court automation system in that municipality’s municipal court”;
- (2) § 35-14-11 requires each municipality to enact ordinances requiring assessment of fees;
- (3) § 35-14-12 requires each municipal court to be capable of providing, on a timely basis, electronic records of convictions for DWI and domestic violence using standards established by the Judicial Information Systems Council (JIFFY).

Municipalities must enact ordinances for the assessment of fines, fees, and costs in criminal proceedings upon persons convicted by a municipal judge 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.

Currently, the fees to be imposed, collected, submitted, or retained include:

- \$20 corrections fee (stays with the municipality),
- \$6 automation fee (sent to the Administrative Office of the Courts [AOC]),
- \$3 judicial education fee (increased from \$2 per a statutory change effective July 1, 2009; sent to the Judicial Education Center [JEC]).

In DWI cases, additional fees must be collected and submitted to the AOC:

- \$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 submitted to the AOC for violations of the Substance Abuse Act.

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

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.

## **State of New Mexico Municipal Court Automation Program**

Municipal courts meeting the statutory requirements for fee submission and disposition reporting are eligible to apply for reimbursement from the Municipal Court Automation Fund. This fund is the source of all municipal court automation-related reimbursements as well as program administration expenses. The fund is administered by the AOC, with assistance from the Automation Committee of the New Mexico Municipal Judges Association [NMMJA]. The NMMJA is a professional subsection of the New Mexico Municipal League.

Not all municipal courts handle DWI and domestic violence, but those that do are required to report DWI and domestic violence dispositions 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].

In 2002, legislation was enacted that increased the penalty for Battery Against a Household Member, taking domestic violence out of the jurisdiction of most municipal courts (an exception is home-rule cities with appropriate ordinances).

In September 2000, JIFFY approved collection of data for dismissals and not-guilty verdicts in addition to convictions. This change provides a better picture of overall cases cited into municipal courts. In September 2010, the Supreme Court [Order 10-8500] adopted standards for public access to New Mexico court records via the Internet, which included a requirement that only cases for which physical or imaged files are retained will be available on the Case Lookup system. At that time, the Supreme Court also rejected a JIFFY recommendation to remove dismissed cases from internet records, so municipal courts will continue to report dismissals in addition to convictions.

Since the program's inception, over \$10 million have been reimbursed to municipal courts to support their automation efforts, and all municipal courts in the state have the capability to report dispositions electronically. Over 45,000 dispositions for DWI and 4,400 for domestic violence have been reported electronically by municipal courts. This disposition data is provided to the Central Repository database maintained by the Judicial Information Division (JID) of the AOC, and is made available to anyone with access to the Internet through the Judiciary's web page: [nmcourts.gov](http://nmcourts.gov). An expanded version of this data is available to justice and law enforcement agencies through the Consolidated Offender Query (COQ) of the Justice Information Sharing Council web page: [nmjustice.net](http://nmjustice.net). MCAP maintains the logins for the COQ for municipal courts.

MCAP staff administer the program on behalf of AOC and the NMMJA, providing reimbursement and automation support to all municipal courts in the state. MCAP staff currently consists of one full-time Program Manager (April Sessions) and one full-time Information Technology Specialist (Marla O. Gabaldón).