

### List of eliminated court costs continued:

- Crime Lab Fee
- DWI Prevention Fee
- Traffic Safety Fee
- Juvenile Adjudication Fee
- Facilities Fee (see note\*)
- Bench Warrant Fee

Municipal Courts can no longer charge the “corrections fee,” the “state automation fee,” or the “judicial education fee.” (Section 17, Pages 20-23).

The \$100 bench warrant fee is now eliminated. Courts can no longer charge individuals every time a bench warrant is issued. (Section 8, Pages 11-12, Section 15, Pages 18-19).

\*Note: state “facilities fee” will be eliminated once the metro court building is paid off. (Section 9, Pages 12-13).

Note: the “DNA” fee will still apply to all felony convictions.

### What if you owe fees now or are charged fees before the new law takes effect?

Beginning on July 1st, 2024, if you owe court costs and/or bench warrant fees you can petition (request from) the court that the court costs/bench warrant fees be waived.

### To start your petition, give your lawyer a list of items below:

- Reasons why you are having difficulty paying (include number of dependents, employment situation, housing situation, access to transportation, other familial responsibilities, all bills, SNAP, TANF, SSI income).
- Number of payments you’ve made already.
- Positive things in your life (school attendance, success on probation, participation in rehabilitation or social service programs, etc.).

### Contact Info and Resources

 [www.ffjc.us](http://www.ffjc.us)

 [info@ffjc.us](mailto:info@ffjc.us)

# Know Your Rights

New Mexico has changed its laws on license suspensions, court fees, and payment plans. Use this pamphlet to learn how these reforms may affect you.



## BEGINNING JUNE 16, 2023

### Driver's License Suspensions for "Failure to Pay" or "Failure to Appear" (SB 47)

MVD will no longer suspend licenses for missing a hearing ("failure to appear" "FTA") or a payment ("failure to pay" "FTP") in traffic cases. (NMSA 66-5-30). MVD will reinstate all licenses currently suspended for FTA and FTP without requiring the reinstatement fee. (NMSA 66-5-26 B).

#### How to get started with your license reinstatement:

1. **Check your license status** using MVD's online system at [tinyurl.com/mvdservices](https://tinyurl.com/mvdservices)
2. **The MVD should automatically reinstate your license**, between June 16, 2023 and September 1, 2023 if it is suspended for FTA or FTP. You will not have to provide any court paperwork or pay a reinstatement fee.
3. **Questions or issues with reinstatement?** Read our FAQs at [tinyurl.com/nmlicensereinstatement](https://tinyurl.com/nmlicensereinstatement) OR email us at [nmlicense@ffjc.us](mailto:nmlicense@ffjc.us)

### Payment plans for fines & fees (HB 139)

Payment plans are now mandatory in ANY criminal case. (NMSA 31-12-3 A).

### Fines and fees conversions and credits (HB 139)

Please verify your eligibility status for credits and conversions with your lawyer.

- **Community service will now be credited at twice the NM State minimum wage per hour:** State Minimum Wage: \$12,  $\$12 \times 2 = \$24$  per hour credit. (NMSA 31-12-3 B).
- **Fine and fees converted to jail will now be credited at 24 times the state minimum wage per day:** State Minimum Wage: \$12,  $\$12 \times 24 = \$288$  per day credit. (NMSA 31-12-3 D; NMSA 33-3-11 A).
- **Community service now includes the following activities:** "enrollment in job training or an academic or vocational program or participation in social service or rehabilitation programs..." (NMSA 31-12-3 B).
- **Pre-sentence confinement must be credited towards one's fines and fees.** the time someone spent in jail at the beginning of the case MUST now count towards their fines and fees. (NMSA 31-12-3 D)
- **The maximum amount of time an individual can be incarcerated in jail or prison for fines and fees is 15 days.** (NMSA 33-2-40; NMSA 33-3-11 B).

## BEGINNING JULY 1, 2024

### Court costs will be eliminated (HB 139)

On July 1st, 2024, all court costs ("post adjudication fees"), except for the "facilities fee," in state court will be eliminated and will no longer apply. (Section 12 of HB 139, Pages 15-17).

**IMPORTANT:** If you currently owe any of the court costs listed below, you are still responsible for them. Fees charged to you before July 1st, 2024 may be eligible for a waiver **once the law goes into effect**. Speak with your lawyer about how to petition the court. A court can also automatically waive these fees on their own. (Section 4, Page 8, Lines 3-5).

#### List of eliminated court costs or "fees":

- Automation Fee
- Judicial Education Fee
- Community Corrections Fee
- Jury and Witness Fee
- Domestic Violence Fee
- Brain Injury Fee
- Crime Victim Reparation Fee

Fee list continued on next page —>