



## VILLAGE OF CORRALES

### ORDINANCE NO. 17-003

**AN ORDINANCE RECOGNIZING THE JURISDICTION OF THE MUNICIPAL COURT; PROVIDING THAT THE MUNICIPAL JUDGE SHALL ESTABLISH AND ADMINISTER A COMMUNITY SERVICE PROGRAM; AMENDING SECTION 1-6 OF THE VILLAGE'S CODE OF ORDINANCES TO PROVIDE THAT THE MUNICIPAL JUDGE MAY REQUIRE OR AUTHORIZE COMMUNITY SERVICE IN LIEU OF OR IN ADDITION TO FINES, FEES, COSTS OR IMPRISONMENT.**

**WHEREAS**, the Municipal Court of the Village of Corrales (the "Village") has been established pursuant to NMSA 1978, Section 35-14-1 (1968), and constitutes the judicial branch of the Village government; and

**WHEREAS**, the Municipal Judge has recommended and the Village Council, the governing body of the Village (the "Governing Body") finds that it is appropriate to define the jurisdiction of the Municipal Court by ordinance, consistent with NMSA 1978, Section 35-14-2 (1961, as amended through 2011); and

**WHEREAS**, it has been brought to the attention of the Governing Body that Rule 8-206.1(B) NMRA, adopted by the Supreme Court of New Mexico effective April 17, 2017, requires that a defendant who is unable to pay all or part of the assessed fines, fees or costs imposed by the Municipal Court must be permitted to perform community service in lieu of such payment; and

**WHEREAS**, it is therefore incumbent upon the Municipal Court of the Village to provide for such a system of community service as an alternative to payment of fines, fees or costs for those unable to do so; and

**WHEREAS**, the Governing Body further desires to authorize the use of community service as an alternative or in addition to the payment of fines, fees, costs or imprisonment at the discretion of the Municipal Judge and in the interests of justice.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Village of Corrales, New Mexico, that:

**Section 1.** The following is hereby adopted by the Governing Body and shall be incorporated as Section 12-5 of the Code of Ordinances of the Village (the "Code"):

#### **Section 12-5. Jurisdiction of the municipal court**

(a) The municipal court has jurisdiction over all offense and complaints under ordinances of the Village of Corrales and may issue subpoenas and warrants and may punish for contempt, and has such other jurisdiction as may be prescribed by State law.

(b) The municipal court's personal jurisdiction extends to any defendant who has been properly served with criminal process of the Corrales municipal court anywhere in the State of New Mexico if that criminal process arises out of a charge of violation of a Corrales municipal ordinance prohibiting driving while under the influence of intoxicating liquor or drugs.

**Section 2.** Subsection 12-1(f) of the Code is amended to read as follows:

(f) *Duties.* The Municipal Judge shall perform all those duties set forth for that position in the laws of the State of New Mexico and the Rules of Procedure for the Municipal Courts, as established and modified from time to time by the State Supreme Court. The Municipal Judge shall hold court at such times as may be reasonably necessary for the performance of his or her duties. The Municipal Judge shall be available at all reasonable hours for the issuance of warrants and summons. The Municipal Judge shall establish and administer appropriate probation programs as needed, including a community service program to allow for community service as an alternative or in addition to the payment of fines, fees and costs, as provided in Subsection 1-6(c).

**Section 3.** Section 1-6 of the Code is amended as follows:

A. The following Subsection 1-6(c) is hereby adopted and shall be incorporated into the Code:

(c) *Community service.*

(1) If the Municipal Judge finds that any person convicted of violating a municipal ordinance is unable to pay all or part of the assessed fines, fees or costs imposed under this Section 1-6, the Municipal Judge shall permit that person to perform community service in lieu of payment of all or part of the assessed fines, fees or costs owed to the Municipal Court.

(2) In addition, if the Municipal Judge finds that the interests of justice will be served thereby, the Municipal Judge in his or her discretion may, as a condition of probation and/or upon conviction for violation of a municipal ordinance, impose an obligation to perform community service in lieu of or in addition to assessed fines, fees, costs or imprisonment authorized under this Section 1-6.

(3) If community service is imposed or permitted in lieu of fines, fees or costs, credit for such community service shall be granted at a rate of \$7.50 per hour or the prevailing federal hourly minimum wage, whichever is greater.

- (4) All community service must be completed within the time ordered by the Municipal Judge. If a person ordered to perform community service fails to complete such service within the time ordered, the failure shall be treated the same as a failure to pay mandatory fines, fees and costs.

B. Former Subsections 1-6(c) and 1-6(d) of the Code shall be redesignated as Subsections 1-6(d) and 1-6(e), respectively.

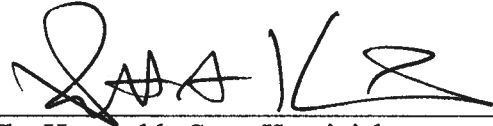
**SEVERABILITY CLAUSE:** Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

**COMPILING CLAUSE:** The new and amended sections and subsections of the Village Code adopted pursuant to this Ordinance shall be compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

**EFFECTIVE DATE AND PUBLICATION:** This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

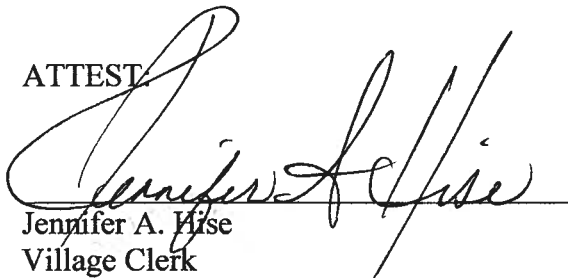
**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, this 9<sup>th</sup> day of May, 2017.

APPROVED:



The Honorable Scott Kominiak  
Mayor

ATTEST



Jennifer A. Hise  
Village Clerk