

Fines and Fees in New Mexico,

A sample study of cases, July 1, 2015 - December 31, 2021

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Major Findings

1. Most fines and fees levied are traffic citations, 84% in this dataset.
2. Fines are imposed in fewer than half of the cases in the sample. When imposed, the highest median fines are connected to domestic violence and DWI cases.
3. Fees are imposed in almost all cases. The median fee for traffic citations (\$77) is less than that of all other misdemeanors (\$127). The highest median fees are connected to drug possession and DWI cases.
4. Bench warrants are less likely to be issued for traffic citations (28%) compared to all other misdemeanors (48%).
5. Twenty six percent of monetary sanctions for traffic citations are over \$200, compared to 68% of cases for other misdemeanors.
6. The most common way to pay monetary sanctions is cash payment for both traffic citations (88%) and all other misdemeanors (58%). The second most common way to pay is through jail in lieu (wholly or in part), 5% of traffic citations and 30% of all other misdemeanors. Paying monetary sanctions with jail time is particularly common for defendants charged with property crimes (69%) and interference with justice (43%).
7. Bail conversion, community service in lieu, and judge dismissal are uncommon ways to pay or settle the monetary sanction portion of one's sentence.
8. The likelihood of paying monetary sanctions with jail time increases with the cost of monetary sanctions. For traffic citations, about one quarter of defendants use jail to pay some or all monetary sanctions when costs reach \$400. For all other misdemeanors, about one quarter of defendants use jail time to pay some or all monetary sanctions when costs reach \$100. When monetary sanctions exceed \$600, more than half of such defendants use jail to pay some or all monetary sanctions.
9. Courts use Agreements to Pay, Criminal Summons for Failure to Pay, and bench warrants as processes to collect monetary sanctions. The median number of court efforts is two for traffic citations and three for all other misdemeanors.
10. We estimate that 7% of traffic citation defendants and 18% of other misdemeanor defendants contact courts twice or more regarding monetary sanctions.
11. Forty-six cases in this dataset were unclosed as of July 11, 2022. The median length of time these cases had been open was 852 days for traffic citations (2.3 years) and 1,489 days for all other misdemeanors (4.1 years).
12. Omitting cases that are still open, the median number of days to pay for traffic citations is 26 days; the median number of days to pay all other misdemeanors is 82 days.
13. Defendants in 5% of traffic citation cases and 16% of all other misdemeanors took more than one year to close the monetary sanction portion of their case.
14. The median length of time to close the monetary sanction portion of cases over \$200 is 3.5 months for traffic citations and 4.6 months for all other misdemeanors.
15. Forty nine percent of the 300 defendants in the sample-within-a-sample had more than one case for which they owed fines and fees in the 6-year period we tracked. Seventy percent had only received traffic citations, while 30% had received exclusively other misdemeanors or a mix of traffic citations and other misdemeanors.
16. In the sample-within-a-sample, 4% of defendants with only traffic citations accumulated over \$1,000 in monetary sanction

This study examines traffic and misdemeanor cases in which monetary sanctions were imposed on New Mexican defendants in the five and a half-year period between FY2016 and the first half of FY2022. Throughout this report, we use the term ‘monetary sanctions’ to refer to the sum of any fines, fees, and bench warrants associated with the case.¹ Fines are meant to hold defendants accountable and are mandatory by statute for certain crimes; they are both punishment and intended to deter crime. In New Mexico, fines are deposited in the state’s Public School Fund. Fees, on the other hand, are charged to reimburse court programs and services. Fees help to fund all the following: Court Animation, Corrections, Court Facilities, Jury and Jury Demand, Civil Legal Service, Municipal Court Automation, DWI Lab, DWI Prevention, Domestic Violence, Criminal Victims Reparation, Magistrate Retirement, Brain Injury, Judicial Education, Traffic Safety, DWI Substance Abuse, Mediation, Drug Court Penalty Assessment, Drug Court, Juvenile Adjudication, and Magistrate Court Operations. In FY2021, New Mexico collected \$12.2 million in fees and \$2.1 million in fines and bond foreclosures.² Bench warrant fees, which can be added to a defendant’s fines and fees for a failure to pay on time or for failing to appear for a hearing about fines and fees, transfer to the Warrant Enforcement Fund.

Around the country, policy-makers and scholars are examining theory, practice, and impacts of monetary sanctions. The amount of court debt accrued by citizens in national court is estimated to be at least \$27.6 billion (Hammons & Associate, 2021). On the positive side, fines are perceived by some as a legitimate and helpful alternative to incarceration and a deterrent for some crimes, while fees reimburse underfunded courts for their services. However, several concerns have been raised about fines and fees. Chiefly, monetary sanctions may exacerbate differences in society because they are not consequential for people who are able to pay them, but can lead to collateral consequences such as increased court involvement, debt, recidivism, and incarceration for people who are not able to pay (Friedman et al, 2022). Scholars also point to possible constitutional or statute violations in incarcerating people for a failure to pay (Martin et al, 2018). Researchers note these collateral consequences correlate with race and ethnicity; monetary sanctions have racially disparate impacts on Blacks, Latinx, and Native American populations (Bing, Pettit, & Slavinski, 2022; Stewart et al, 2022).

The American Bar Association recently passed a resolution including ten guidelines around the use of fines and fees. Most of the guidelines address defendants’ ability to pay because of the disproportionate effect monetary sanctions have on poor people. The guidelines include limiting fines and fees to the individual’s ability to pay; prohibiting incarceration, driver’s license suspensions, or other disproportionate sanctions for an inability to pay; mandatory ability-to-pay hearings; and the right to counsel for such hearings (ABA Presidential Task Force on Building Public Trust in the American Justice System, 2018).

In New Mexico, failure to pay monetary sanctions can result in incarceration, community service, and/or suspension of one’s driver’s license. The Fines and Fees Justice Center (2022) New Mexico state campaign reports that more than 60,000 licenses were suspended between 2016 and 2018 due to a failure to pay fines. The Brennan Center found that the cost of collecting fines and fees for every dollar collected was \$.41 in Santa Fe County, \$.80 in Socorro County, and \$1.17 in Bernalillo County (Menendez et al, 2019).

In this research, we focus on fines and fees charged specifically for traffic and other misdemeanors, an understudied area of research given their abundance and lesser due process requirements compared to felonies (Natapoff, 2015). We seek to answer the following questions:

1. What type of misdemeanor cases result in fines and fees?
2. How much are people charged in fines and fees?
3. How do people pay fines and fees?
4. What efforts do courts make to collect fines and fees?
5. How much do law enforcement agencies and courts spend on enforcing fines and fees?
6. How long does it take to close cases involving fines and fees?
7. How much burden in fines and fees do defendants accumulate over time?

RESEARCH DESIGN

We drew a sample of traffic and misdemeanor cases in which fines and/or fees had been charged at disposition and which had resulted in either a deferral (43%), conviction (55%), or remained open (2%).³ The cases were disposed between July 1, 2016 and December 31, 2021; this population numbers 373,520 cases. We drew samples of approximately 100, 200, or 300 cases from each of the thirteen New Mexico judicial districts depending on its population. Our final sample size is 2,154 cases.⁴

Using court information available from the Administrative Office of the Courts Odyssey system, we gathered information for each case including the defendant’s age and gender, type of offense, amount of monetary sanctions charged to the defendant, efforts made by the court in order to collect fines and fees, bench warrants issued due to nonpayment, payment transactions, and the date of the final payment for monetary sanctions.

Each of the 13 judicial districts in the state contributed between 87 (4%) and 231 (11%) cases; and each county contributed between 2 and 231 cases. Most cases, 88%, represent petty misdemeanors; the remaining represent high misdemeanors. Forty-six (2%) cases had not closed by July 11, 2022.

Two percent of defendants were minors at the time of disposition. Six percent were 18 or 19. The bulk of defendants were in their 20s (31%), 30s (26%), or 40s (16%). Eleven percent were in their 50s; and 8% were older. Males comprise 66% of cases; females comprise 34%.

Monetary Outcomes

Throughout this report, we rely primarily on four monetary outcomes: the minimum, the maximum, the median, and the percentage of cases with monetary sanctions above \$200. These four measures capture important aspects of fines and fees. The minimum and maximum show the full range of possible fines and fees as represented in our sample. For a measure of central tendency, we selected the median—the middle value in the distribution—rather than the mean or average, as fines and fees tend to have a strong negative bias. (That is, they are not normally distributed; there tend to be many high outliers.)

To examine the impact on poor people, we calculate the percentage of cases above \$200, a conservative estimate of financial strain. We base this estimate on costs for a single, non-parenting adult with a full-time minimum wage job in Albuquerque. At most, the New Mexico minimum wage during the period covered in this study was \$11.50/ hr. with a monthly take-home income of \$1,699. The fair market rent (40% of the median) for a one-bedroom apartment in Albuquerque in 2022 was \$821; the estimated cost for basic utilities (electricity, water, and garbage) for a 900sq ft apartment was \$124; food costs for a single person were approximately \$333; and health insurance was an estimated \$218. With nondiscretionary expenditures summing to \$1,496, a monetary sanction of \$200 would be a significant financial strain.

FINDINGS

1. What types of cases result in fines and fees?

As seen in Table 1, the majority of the sample’s cases are petty misdemeanors (88%); 12% are high misdemeanors. We grouped cases into the following offense categories (in descending order of occurrence): Traffic Citations, DWI, Property, Drug Possession, Public Order,⁵ Interference of Justice,⁶ Assault and Battery, Domestic Violence, Animal, Department of Game and Fish. The final category, ‘Other,’ captures uncommon misdemeanor crimes and statutory violations. Overall, most cases are traffic citations (84%), followed by DWI cases (5%). The remaining 9% of cases are distributed in low numbers across all other offense categories. Although the great majority of cases are petty misdemeanors (88%) compared to high misdemeanors (12%), high misdemeanors outnumber petty misdemeanors in all crime categories except traffic citations.

Table 1: Offense Categories of Petty and High Misdemeanors

Type of Case	% of Cases	Petty Misdemeanor	High Misdemeanor	Median Fee	% Any Fine	Median Fine	
<i>n</i>	2,154	1,890	260	2,151	2,154	973	
Traffic Citations	1,801	84%	89%	41%	\$77	48%	\$65
DWI	106	5%	4%	8%	\$241	35%	\$500
Property	51	2%	1%	33%	\$123	20%	\$200
Drug Possession	43	2%	1%	12%	\$198	46%	\$50
Public Order	39	2%	1%	13%	\$77	29%	\$105
Interference w/ Administration of Justice	30	1%	1%	20%	\$123	23%	\$100

Table 1 cont.: Offense Categories of Petty and High Misdemeanors							
Type of Case		% of Cases	Petty Misdemeanor	High Misdemeanor	Median Fee	% Any Fine	Median Fine
	<i>n</i>	2,154	1,890	260	2,151	2,154	973
Assault and Battery	24	1%	1%	4%	\$73	33%	\$100
Domestic Violence	23	1%	<1%	21%	\$123	13%	\$500
Animal Ordinance	14	1%	1%	2%	\$73	36%	\$30
Department of Game & Fish	10	1%	<1%	2%	\$73	40%	\$100
Other	13	1%	<1%	7%	\$123	38%	\$300

To show similarities and differences across crime categories regarding fines and fees, we present here the median fee (levied in all but three cases in this data set), the percentage of cases in which a fine was levied, and the median fine for cases in which one was levied. Median fees by crime category start from about \$75 (traffic citations, public order violations, assault and battery, animal ordinance violations, and Department of Game and Fish violations), together comprising 88% of cases. Several crime categories have a median fee of \$123, including property crimes, interferences with the administration of justice, domestic violence, and other crimes (combined for 5% of cases). Fees are especially high for drug possession (2% of cases) with a median of \$198 and DWI (5% of cases) with a median of \$241.

Fines are levied in less than half (45%) of the cases in the dataset. When levied, they tend to be lowest for traffic citations, drug possession, and animal ordinance violations, each with medians under \$100. When levied, median fines are approximately: \$100 for public order violations, interferences with the administration of justice, assault and battery, and Department of Game and Fish violations; \$200 for property crimes; and \$500 for DWI and domestic violence.

Table 1 shows that fines and fees for traffic citations are somewhat different than fines and fees for other crimes. The median traffic citation fee is among the lowest. Perhaps unexpectedly, almost half of traffic violations include a fine, more than any other crime category. However, when fines are levied, traffic violation fines tend to be low. New Mexico is one of only twelve states that criminalizes traffic citations. This allows one to compare New Mexico to other states. For this reason, throughout this report, we analyze traffic citations separately from all other, usually more serious, crimes.

While, overall, traffic citations comprise 84% of cases, Table 2 shows that males are somewhat more likely than females to have a case for a different crime, as are young adults in their 20s and 30s.

Table 2. Gender, Age, and Types of Cases			
	<i>n</i>	Traffic Citations (<i>n</i> =1,801)	All Other Misdemeanors (<i>n</i> =353)
Males	1,430	81%	19%
Females	722	88%	12%
14-17	49	100%	0%
18-19	123	90%	10%
20-29	674	81%	19%
30-39	549	82%	18%
40-49	343	84%	16%
50-59	246	85%	15%
60+	170	88%	12%
Total	2,154	84%	16%

2. How much are defendants charged in fines and fees?

In this section we discuss how much individuals were charged in fines and fees. We saw in Table 1 that fines are levied in only 45% of cases and that median fines and fees vary by crime category. From the perspective of defendants, fines and fees are not distinguishable. Although fines and fees feed various funds, courts charge them in one lump sum. In

addition, when defendants do not pay on time, they may be charged with one or more Failure to Pay bench warrants, each one adding \$100 to the total.⁷ Judges, at their discretion, may waive one or more of these bench warrants.

Table 3 indicates that at least one bench warrant is issued in 28% of traffic citation cases and 48% of cases for all other crimes. Once given, waivers for bench warrants are uncommon, especially for more than one bench warrant. Judges waived one or more bench warrants in 14% of traffic citation cases and 16% of cases for all other crimes. When judges do waive bench warrants for either traffic citations or all other misdemeanors, they usually waive only one.

# Bench Warrants	Traffic Citations (n=1,801)	All Other Misdemeanors (n=353)
0	72%	52%
1	19%	27%
2	6%	12%
3	2%	7%
More than 3	2%	3%

With bench warrants explained, we are ready to examine combined fine and fee charges in Table 4, including those with unwaived bench warrants. Looking first at traffic citations, the median combined fine and fee charge is \$86, and 16% of cases have a combined fine and fee charge of \$200 or more. With unwaived bench warrants included, the median charge increases to \$106, and 26% of cases have a charge of at least \$200.

Case Type	Traffic Citation n=1,801				All Other Misdemeanors n=353			
	Median	Min	Max	Percentage \$200 or more	Median	Min	Max	Percentage \$200 or more
Initial Fines & Fees	\$86	\$10	\$1,103	16%	\$198	\$50	\$1,355	49%
Fines, Fees, & Unwaived Bench Warrants	\$106	\$20	\$1,203	26%	\$241	\$50	\$1,735	68%

Figures 1 and 2 are histograms depicting the distribution of combined fines and fees visually, first for traffic citations and then for all other misdemeanors. Figure 1 shows that in most cases, initial combined fines and fees for traffic citations (blue) cluster around \$200 or less (84%), with very few cases above \$500 (2%). Adding unwaived bench warrants (red) modifies the distribution somewhat, especially with an increase in cases in the \$200 to \$400 range. The majority of cases remain around \$200 or less (74%), and the number of cases above \$500 is still relatively small (6%).

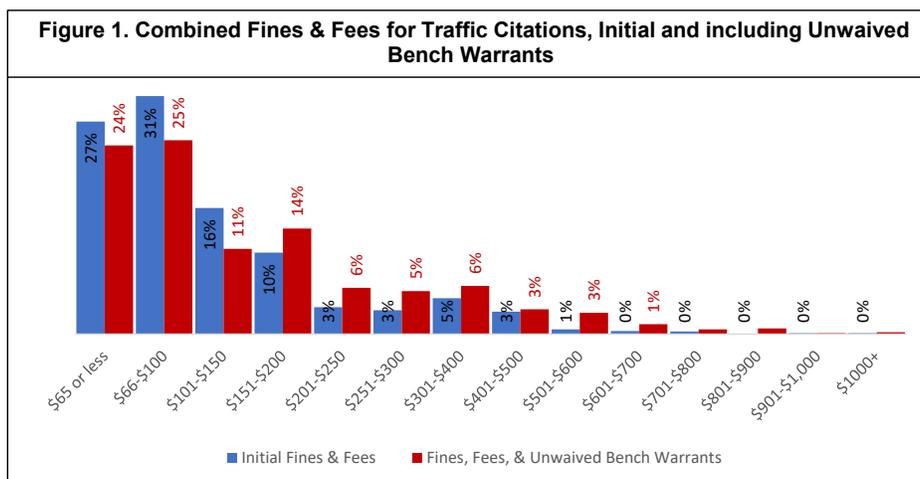
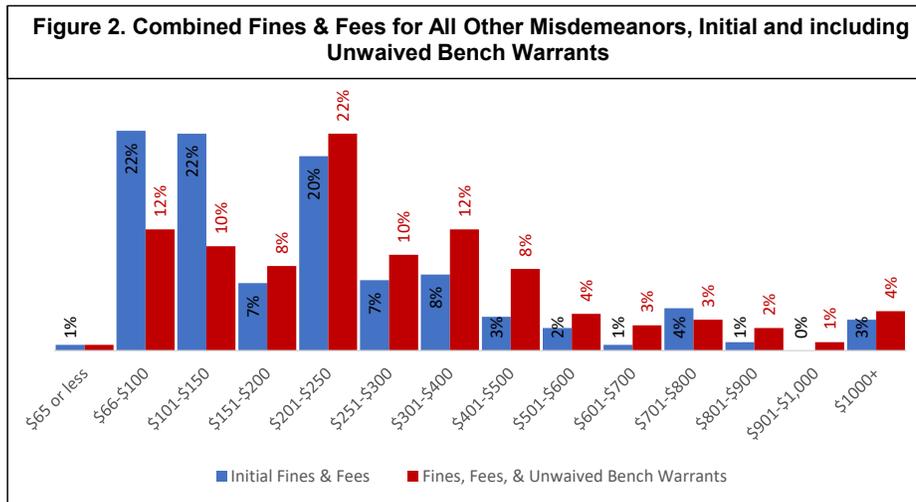


Figure 2 repeats this analysis for all other misdemeanors. The figure shows a lower percentage of cases with an initial combined fines and fees charge (blue) of \$200 or less, 51%, compared to 84% of traffic citations. There are also more cases above \$500 compared to traffic citations, 11%. Adding bench warrants (red) drops the percentage of cases under \$200 to just 32%, and increases the cases above \$500 to 16%. Thus, bench warrants are more impactful for all other misdemeanors than they are for traffic citations.



3. *How do people pay fines and fees?*

In this section we will discuss the various means in which people pay off monetary sanctions. Magistrate Court Rule 6-207.1 and Metropolitan Court Rule 7-207.1 describe the payment of fines, fees, and other costs. Defendants who the court finds able to pay the full charge at the time of sentencing are required to do so. Other defendants who the court finds able to pay within thirty days are also so required. When courts find defendants unable to pay all fines and fees within thirty days, they issue an Agreement to Pay that allows defendants to pay in installments, as large, few, and timely as possible. Defendants may make their payments by mail, in person, or online. Alternatively, courts may assign community service in lieu of payment for all or part of the assessed monetary sanction at the federal minimum wage rate. In FY2022, the federal minimum wage was \$7.25/hr. compared to the New Mexico minimum wage of \$11.50/ hr. Courts may modify Agreements to Pay up to three times.

The first time a defendant fails to make a payment or complete community service on time and has not requested a modification in advance, the court is required to issue a Criminal Summons for Failure to Pay within five days. Summons require defendants to either pay what is due within fifteen days or appear in court. If the defendant does not appear for the summons, they are issued either a Failure to Appear or Failure to Pay bench warrant, which adds \$100 to their total due. (Subsequently, courts are not required to issue summons before issuing Failure to Pay bench warrants.) At the hearing, the court might create or amend an Agreement to Pay. The court might also, or alternatively, commit the defendant to jail under §33-3-11 NMSA 1978. This statute states that “[w]henver any person is committed to jail for nonpayment of any fine or costs or both, he shall be credited with eight times the federal hourly minimum wage a day in reduction thereof for each day or portion of a day of incarceration.” Currently, defendants receive \$58 in credit per one day of incarceration.

In New Mexico, defendants may serve time in jail in lieu of paying monetary sanctions under certain conditions. Courts explicitly may not apply presentence confinement to a case’s monetary sanctions, but they may allow or require post-sentence jail time to pay monetary sanctions. Defendants in confinement for a new case may also request a hearing to apply a concurrent sentence, thereby receiving confinement credit for both the new case and the case in which monetary sanctions are owed.

Finally, in cases in which bail was set and paid, a judge may allow bail to be applied to monetary sanctions. Defendants may and often do pay monetary sanctions through a combination of currency, community service, time in jail, and converted cash bond.

Table 5 compares traffic citations and all other misdemeanors in terms of how defendants pay their fines, fees, and unwaived bench warrants. The table shows that 88% of traffic citation defendants paid monetarily only—that is, in the form of currency paid online, in person, or sent in the mail. Payment through jail in lieu in whole or part is the second

most common transaction type and occurs more frequently among other misdemeanors (29%) than traffic citations (5%). Bail conversions, the use of community service, the combination of jail time and community service, and judge waivers are all rare. About 2% of traffic citations and 5% of all other misdemeanors remain open. Overall, 83% of defendants paid fines and fees monetarily only, and 12% of the sample used jail and/or community service in lieu of fines and fees in part or whole.

Table 5. Method of Payment for Traffic Citations and All Other Misdemeanors			
	<i>n</i>	Traffic Citations (<i>n</i>=1,801)	All Other Misdemeanors (<i>n</i>=353)
Paid Monetarily Only	1,789	88%	58%
Jail in Whole or Part	193	5%	29%
Bail Conversion in Whole or Part	58	3%	1%
Community Service in Whole or Part	57	2%	5%
Jail and Community Service in Whole or Part	6	<1%	1%
Judge Dismissed Fines and Fees	5	<1%	1%
Unclosed, Not Fully Paid	46	2%	5%

In Table 6, we take a closer look at the most common misdemeanors aside from traffic citations, those for whom our data set has at least 30 cases. These are DWI, Property Crimes, Drug Possession, Public Order Violations, and Interference with Justice cases. There are notable differences. Less than half of defendants convicted of property crime (24%) and interference with justice (47%) paid monetarily only. Accordingly, for these misdemeanors, jail in lieu is particularly common, 67% (plus 2% in conjunction with community service) for property crimes and 43% for interference with justice. Overall a rarity, community service is more common among DWI (8% plus 2% in conjunction with jail) and drug possession cases (9%). About 11% of DWI cases remain open.

Table 6. Method of Payment for Select Misdemeanors					
	DWI (<i>n</i>=106)	Property (<i>n</i>=51)	Drug Possession (<i>n</i>=43)	Public Order (<i>n</i>=39)	Interference with Justice (<i>n</i>=30)
Paid Monetarily Only		24%	63%	59%	47%
Jail in Whole or Part	14%	67%	28%	36%	43%
Bail Conversion in Whole or Part	1%	2%	0%	0%	3%
Community Service in Whole or Part	8%	2%	9%	5%	3%
Jail and Community Service in Whole or Part	2%	2%	0%	0%	0%
Judge Dismissed Fines and Fees	2%	0%	0%	0%	3%
Unclosed, Not Fully Paid	11%	4%	0%	0%	0%

Table 7 shows that as the total charge of fines, fees, and unpaid bench warrants increases, the percentage of defendants who pay monetarily decreases while the percentage of defendants paying with jail time increases.⁸ For traffic citations, we see a notable difference for charges above and below \$400. With charges at or before \$400, 92% of defendants paid monetarily only and 3% paid any part through jail. Above \$400, 59% of defendants paid monetarily only and 29% paid some part through jail.

Table 7: Monetary Payments and Jail in Lieu by Total Amount Due for Traffic Citations and All Other Misdemeanors

Total Amount Due	Traffic Citations			All Other Misdemeanors		
	<i>n</i>	Paid Monetarily Only	Paid Any Part with Jail	<i>n</i>	Paid Monetarily Only	Paid Any Part with Jail
\$65 or less	436	96%	<1%	2	100%	0%
\$66-\$100	447	97%	1%	43	84%	16%
\$101-\$150	197	96%	1%	37	68%	27%
\$151-\$200	242	87%	6%	28	46%	54%
\$201-\$250	103	85%	6%	76	68%	21%
\$251-\$300	96	76%	12%	34	56%	29%
\$301-\$400	106	83%	10%	43	51%	35%
\$401-\$500	52	62%	25%	26	46%	38%
\$501-\$601	47	64%	28%	11	46%	46%
\$601-\$800	32	56%	37%	16	50%	50%
\$801-\$1000	12	42%	33%	8	38%	62%
\$1000+	2	50%	0%	12	50%	50%

For all other misdemeanors, the percentage of defendants paying monetarily is lower and the percentage paying with jail time is higher in every sanction category. Among these defendants, even among those with charges of \$200 or less, 69% paid monetarily and 29% paid with at least some time in jail; that remains about the same until charges come to \$400. Above \$400, 47% paid monetarily and 50% paid with at least some time in jail.

Table 8 shows the number of days defendants spent in jail for payment (whole or partial) of monetary sanctions at the rate of \$58 credit per one day of incarceration. Overall, 5% of traffic citation defendants served at least one day in jail. Among the 92 traffic citation defendants who spent a known amount of time in jail, 57% served five days or fewer, and 97% completed payment within two weeks.

Table 8. Time Spent in Jail for Payment of Monetary Sanctions

Jail Days	Traffic Citations		All Other Misdemeanors	
	<i>n</i>	Percentage	<i>n</i>	Percentage
1-2 days	25	1%	38	11%
3-5 days	24	1%	27	8%
6-7 days	15	1%	11	3%
8-14 days	19	1%	17	5%
15-30 days	2	<1%	3	1%
More than 30 days	1	<1%	4	1%
Unknown days	6	<1%	7	2%
Did not serve jail days in lieu	1,680	95%	229	68%

Among defendants of all other misdemeanors, 32% served at least one day in jail, far more than traffic citation defendants. However, the amount of time they spent in jail was similar. Among the 100 individuals with a known amount of time in jail, 65% served five days or fewer and 93% completed payment within two weeks.

Fewer defendants used community service to pay part or all of their monetary sanctions than jail. Table 9 illustrates only 2% of traffic citation defendants and 7% of defendants for all other misdemeanors used community service, at the rate of \$7.25 credit per hour (\$58 credit per 8 hr. day). Among the 30 traffic citation defendants who spent a known amount of time doing community service, 90% served 40 hours or fewer, and all but one completed payment with 80 or less hours of service.

Table 9. Time Spent in Community Service for Payment of Monetary Sanctions				
Community Service Hours	Traffic Citations		All Other Misdemeanors	
	n	Percentage	n	Percentage
1-16 hours	19	1%	2	1%
17-40 hours	9	1%	4	1%
41-80 hours	2	<1%	8	2%
More than 80 hours	1	<1%	2	1%
Unknown hours	7	<1%	7	2%
Did not serve community hours in lieu	1,734	98%	313	93%

Among the just 16 individuals charged with a non-traffic misdemeanor, 38% served 40 hours or fewer and 88% completed payment within 80 hours.

4. What efforts do courts make to collect fines and fees?

Courts engage in several processes specifically concerning fines and fees. Some processes require a court hearing and may require judge, attorney, and/or defendant time, while other processes rely on court staff. We assume at least one court interaction for all defendants in this dataset, even with no supporting documents in the court record, as all cases must be adjudicated. We counted each of the processes in Table 10 from court records for all 2,154 cases in our dataset. Sometimes there are multiple versions of the same document in a court record, but Table 10 merely documents the percentage of cases in which one or more exists. Most common are agreements to pay, which detail payment plans for defendants unable to pay within 30 days. Just over half of both traffic citations and all other misdemeanors include an agreement to pay. About one third of the time, this agreement is mailed to the defendant. Courts may update Agreements to Pay with either an Order Adjusting Fines and Fees or an Order Amending the Payment Plan. These are less common for traffic citations (8% and 6%, respectively) than for other misdemeanors (25% and 14%, respectively).

Table 10: Court Processes for Traffic Citations and All Other Misdemeanors				
Process	Traffic Citation (n=1,801)		All Other Misdemeanors (n=353)	
	n	Percentage of cases with one or more	n	Percentage of cases with one or more
No additional process	383	21%	53	15%
Agreement to Pay	922	51%	180	51%
Agreement Mailed to Defendant	381	21%	54	15%
Order Adjusting Fines & Fees	149	8%	90	25%
Order Amending Payment Plan	105	6%	50	14%
Criminal Summons for Failure to Pay	401	22%	100	28%
Bench Warrant for Failure to Pay	508	28%	170	48%
Bench Warrant Waiver	71	4%	28	8%
Notification to Motor Vehicle Department	187	10%	13	4%
Collection Agency Notification	50	3%	10	3%
Other Related Order/Action	75	4%	45	13%

Since FY2018, New Mexico courts have been required to issue a Criminal Summons for Failure to Pay the first time a payment is late before a bench warrant can be issued. The use of these summons is similar for traffic citations (22%) and all other misdemeanors (28%). However, bench warrants for failure to pay are used far more often for other misdemeanors (48%) compared to traffic citations (28%). Among defendants who had received at least one bench warrant, about one in seven convicted of a traffic citation and one in six convicted of a different misdemeanor also received at least one bench warrant waiver.

Court staff may send notifications regarding monetary sanctions due to a collection agency (3% of both traffic citation and other misdemeanor cases) or the Motor Vehicle Department (10% of traffic citation cases and 4% of other, often DWI, cases). Courts occasionally complete other processes related to fines and fees, such as orders to cover fines and fees through confinement or community service and orders to pay bench warrant fees (4% of traffic citation cases and 13% of other, often DWI, cases).

Many cases accumulate multiple court efforts. Table 11 indicates that only 21% of traffic citation cases and 15% of all other misdemeanor cases include no court processes related to fines and fees beyond the adjudication hearing. For traffic citations, the range is high with a maximum of 32 court processes, but the median is low, just two court processes (usually the adjudication hearing and an agreement to pay). For all other misdemeanors, the maximum number of court cases is 20 court processes, and the median is three court cases (often the adjudication hearing, the agreement to pay, and a criminal summons for failure to pay). As seen in the table, there are half as many traffic citation cases with five or more court processes compared to all other misdemeanors.

	Traffic Citation (n=1,801)		All Other Misdemeanors (n=353)	
	n	Percentage of cases	n	Percentage of cases
Adjudication hearing only (no process in court record)	383	21%	53	15%
2	683	38%	90	25%
3	313	17%	62	18%
4	153	8%	42	12%
5	105	7%	38	30%
More than 5	164	9%	68	19%

Another way to consider court efforts is to estimate indirectly the number of times defendants must visit the court. Each visit takes substantial court effort and defendant time. We assume one appointment for the adjudication and hearing, and do not add any visits for the first Agreement to Pay. We add an appointment for any subsequent Agreements to Pay as well as each Order Adjusting Fines and Fees and each Order Amending the Payment Plan. This estimate probably undercounts court visits. Any appointment, for example in response to a Criminal Summons to Pay Fines and Fees or to a bench warrant, in which none of the three above documents is created is not captured. Table 12 indicates that 79% of traffic citation defendants visit the court only once; only 7% of such defendants visit the court more than twice. On the other hand, 63% of defendant's for all other misdemeanors visit the court only once; 18% visit more than twice.⁹

	Traffic Citation (n=1,801)		All Other Misdemeanors (n=353)	
	n	Percentage of cases	N	Percentage of cases
1	1,414	79%	222	63%
2	262	15%	69	20%
3	59	3%	27	8%
More than 3	66	4%	35	10%

5. How much do law enforcement agencies and detention centers spend on enforcing fines and fees?

We estimate the costs to law enforcement agencies for enforcing fines and fees based on the marginal cost that is used by the New Mexico Legislative Finance Committee in the Results First of a misdemeanor arrest at \$54. We assume one arrest per defendant who served any time in jail as well as those who paid in whole or part with a bond conversion.¹⁰

As shown in Table 13, we conservatively estimate 52,861 defendants were arrested for a failure to pay fines and fees in the five and a half year period of this study, suggesting a cost to law enforcement of about \$2.9 million in serving bench warrants for failure to pay on misdemeanor charges over the years of this study, or about \$519,004/ year.

Table 13: Estimated Costs of Arresting Fines and Fees Defendants						
	Traffic Citations			All Other Misdemeanors		
Method of Payment	% in Sample	Estimate # Arrests in Population n=276,497	Estimate Marginal Operating Costs (\$54 per arrest)	% in Sample	Estimate # Arrests in Population n=97,023	Estimate Marginal Operating Costs (\$54 per arrest)
Jail in Lieu*	5.00%	13,825	\$746,542	29.20%	28,331	\$1,529,859
Jail and Community Service*	0.10%	276	\$14,931	1.10%	1,067	\$57,632
Bond Conversion*	3.00%	8,295	\$447,925	1.10%	1,067	\$57,632
Total	8.10%	22,396	\$1,209,398	31.40%	30,465	\$1,645,122
Grant Total		Arrests:	52,861		Cost:	\$2,854, 520

* In whole or in part

We also estimate the cost to detention centers for enforcing fines and fees based on the NM Administrative Office of the Court's estimate of the marginal cost of housing one inmate, \$16,776/ year or \$45.96/ day in Table 14. We use the average number of days served in jail for those who paid with jail for traffic citations (5.2 days) and all other misdemeanors (5.4 days). We estimate 43,499 defendants served jail time to pay fines and fees in the five and a half year period of this study at a cost of \$10.7 million, or about \$1,939,312/ year. Adding the costs for law enforcement and detention centers together, we conservatively estimate New Mexico spends \$2,458,316 annually for fines and fees enforcement.

Table 14: Estimated Costs of Housing Fines and Fees Defendants in Detention Centers						
	Traffic Citations			All Other Misdemeanors		
Method of Payment	% in Sample	Estimate in Population n=276,497	Estimate Marginal Operating Costs (\$45.96 * 6.1 days)	% in Sample	Estimate in Population n=97,023	Estimate Marginal Operating Costs (\$45.96 * 8.5 days)
Jail in Lieu*	5.00%	13,825	\$3,304,029	29.20%	28,331	\$7,031,230
Jail and Community Service*	0.10%	276	\$66,081	1.10%	1,067	\$264,875
Total	5.10%	14,101	\$3,370,109	30.30%	29,398	\$7,296,106
Grand Total		People in Detention:	43,499		Cost:	\$10,666,215

6. *How long does it take to close cases involving fines and fees?*

This section is concerned with how long it takes to complete the monetary sanction part of cases. For the purposes of this section, cases are considered closed when the final payment is made, and 'time to pay' is defined as the number of days between the disposition of the case and the final payment. Defendants are expected to pay on the day the case is disposed if they can afford it or, usually, within 30 days. If the judge determines a defendant is unable to pay within 30 days, the court generates an Agreement to Pay, a schedule that allows the defendant more time.

Table 15 examines the number of traffic citations and all other misdemeanor defendants in time to pay categories ranging from the same day to more than two years. We also indicate the number of people whose monetary cases have not yet closed. Among traffic citations, defendants typically pay on the same day as their disposition (24%) or within 30 days (34%). The great majority, 87%, pay within six months. Among defendants of all other misdemeanors,

less than one third, 32%, pay either the same day as their disposition or within 30 days. Just over two-thirds, 69%, pay within six months.¹¹ Omitting cases that are still open, the median number of days to pay for traffic citations is 26 days; the median number of days to pay all other misdemeanors is 82 days.

At the time of data collection, there were 46 people in our sample whose monetary cases were still open because they had not fully paid. These cases were open for an average of three years (1,087 days) between disposition and the completion of data collection.

Time to Pay	Traffic Citation (n=1,801)		All Other Misdemeanors (n=353)	
	n	Percentage of Cases	n	Percentage of Cases
Same day	432	24%	55	16%
Within 30 days	614	34%	57	16%
31-60 days	256	14%	28	8%
61-90 days	102	6%	33	9%
Between 3 and 6 months	202	11%	72	20%
Between 6 months and 1 year	105	6%	53	15%
Between 1 and 2 years	43	2%	31	9%
More than 2 years	18	1%	7	2%
Monetary case not closed	29	2%	17	5%

For the 2,108 individuals in our dataset with closed cases, Table 16 examines the time it takes to pay monetary sanctions as well as the number of bench warrants assigned in the case (including those that were ultimately waived) based on initial fines and fees. Among traffic citations, there seem to be three distinct stages. When initial fines and fees are \$200 or less, the median length of time to pay is under 40 days and most defendants do not accrue any bench warrants. Between \$200 and \$400, it takes defendants about three months to pay fines and fees, and the percentage accruing at least one bench warrants approaches half. Above \$400, it takes most defendants over six months to pay fines and fees, and they are more likely than not to accrue a bench warrant.

For defendants of all other misdemeanors, the trends are similar, but bench warrants and lengthier times to close cases occur at lower levels of fines and fees. Below \$100 in initial fines and fees, the median length of time to pay is under 40 days and most defendants do not accrue any bench warrants. Between \$100 and \$200, more than half of defendants received at least one bench warrant, and the median number of days to pay is about three months. Between \$200 and \$500, the median time to pay is about four months and only about a third of defendants received any bench warrant. Finally, above \$500, the median length of time to pay is about ten months and over half of defendants received at least one bench warrant.

Initial Fines and Fees	Traffic Citations			All Other Misdemeanors		
	n	Median Days to Pay	Median Bench Warrants	n	Median Days to Pay	Median Bench Warrants
\$65 or less	489	14	0	2	34	0
\$66-\$100	548	21	0	76	28	0
\$101-\$150	284	38	0	76	73	1
\$151-\$200	185	31	0	24	123	1
\$201-\$250	60	78	0	65	124	0
\$251-\$300	52	92	0.5	22	84	0
\$301-\$400	82	92	0.5	27	133	0
\$401-\$500	49	203	1	10	98	1
More than \$500	23	248	1	34	301	1

Table 17 demonstrates the relationship between unwaived bench warrants and the length of time it takes to pay for cases that have closed. The direction of causality for this relationship is probably bidirectional, a vicious circle such that the higher the monetary sanction, the longer it takes to pay; the longer it takes to pay, the more \$100 bench warrants a defendant accrues. Defendants with traffic citations and no unwaived bench warrants take a median of just 20 days to pay. With each bench warrant up to three, the number of days to pay at least doubles. With three bench warrants, the median length of time it takes to pay monetary sanctions is over a year. Among the few traffic citation cases with more than three bench warrants, the median drops to about nine months.

We see a similar pattern for defendants of all other misdemeanors, with a substantial increase in the number of days to pay with each additional bench warrant up to three bench warrants. There is a large jump in the length of time to pay between zero (43 days) and one bench warrant (116 days). With three bench warrants, the median days to pay is 217 days or seven months. Among the few cases with more than three bench warrants, the median drops to about five months.

# of Unwaived Bench Warrants	Traffic Citations		All Other Misdemeanors	
	<i>n</i>	Median Days to Pay	<i>n</i>	Median Days to Pay
0	1,327	20	194	43
1	318	67	85	116
2	86	170	37	175
3	21	392	14	217
More than 3	20	276	6	148

Looking at this information in a different way, Table 18 examines the median and average additional cost from bench warrants by the length of time defendants took to pay. We add the average additional cost since the median masks most variation between groups. This table finds little difference between people with traffic citations compared to all other misdemeanors except that among those who paid on the same day or within 30 days, defendants with traffic citations on average were charged less in bench warrant fees compared to those charged with other misdemeanors. Overall, fewer than half of all defendants who paid their fines and fees within six months were charged with a bench warrant. However, even among these relatively short lengths of time to pay, bench warrants accumulate as indicated by the rise in average additional costs. For both traffic citations and all other misdemeanors, there is a large jump in additional costs to defendants who take more than six months to pay. More than half of defendants are issued bench warrants, and the average additional cost doubles compared to those taking between three and six months to pay.

Time to Pay	Traffic Citations			All Other Misdemeanors		
	<i>n</i>	Median Additional Cost	Average Additional Cost	<i>n</i>	Median Additional Cost	Average Additional Cost
Same day	432	\$0	\$18	55	\$0	\$56
Within 30 days	614	\$0	\$11	57	\$0	\$21
31-60 days	256	\$0	\$21	28	\$0	\$25
61-90 days	102	\$0	\$53	33	\$0	\$55
Between 3 and 6 months	202	\$0	\$64	72	\$0	\$67
Between 6 months and 1 year	105	\$100	\$136	53	\$100	\$125
Between 1 and 2 years	43	\$200	\$179	31	\$100	\$106
More than 2 years	18	\$100	\$211	7	\$100	\$143

Table 19 lists the more common payment type combinations and the median number of days defendants took to pay. We see an interesting pattern. Among those paying monetarily only, the median length of time is much longer for defendants charged with other misdemeanors, 92 days, compared to those charged with traffic citations, 25 days. Similarly, among those paying with community service, those charged with other misdemeanors took longer to pay, with a median of 80 days, compared to those charged with traffic citations, 47 days. However, among defendants who used jail time to pay fines and fees, defendants charged with other misdemeanors took less time to pay than those charged with traffic citations. Interestingly, among those charged with a traffic citation and paying with a bail conversion, the median time to pay was just four days.

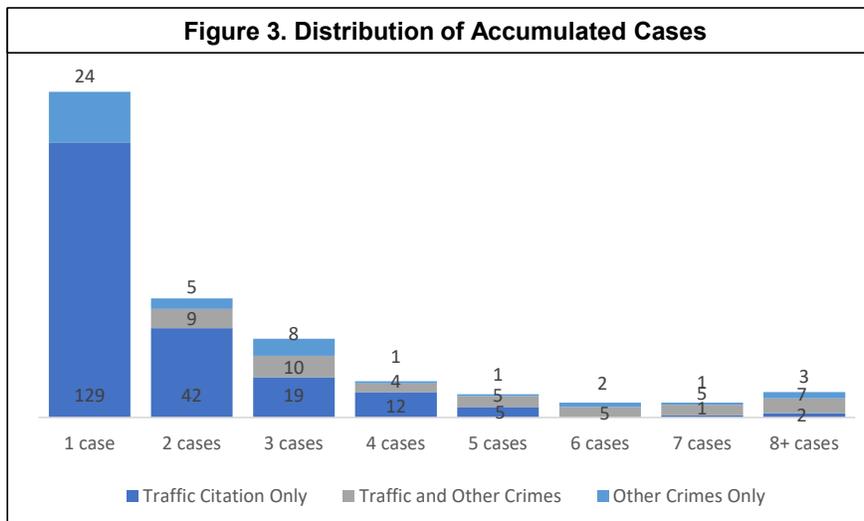
Table 19: Method of Payment for Traffic Citations and All Other Misdemeanors				
Method of Payment	Traffic Citations		All Other Misdemeanors	
	<i>n</i>	Median Days to Pay	<i>n</i>	Median Days to Pay
Paid Monetarily Only	1,588	25	203	92
Jail in Whole or Part	90	99	103	67
Bail Conversion in Whole or Part	54	4	4	<i>n/a</i>
Community Service in Whole or Part	36	47	19	80

7. How much burden in monetary sanctions do defendants accumulate over time?

To answer the final research question, we randomly drew a ‘sample within a sample’ or subsample of 300 cases. These cases give us an idea of the range of experiences and burdens for individuals charged with monetary sanctions. Using court information available from the Administrative Office of the Courts Odyssey system, we collected information regarding all of the individual’s criminal cases in approximately the same time frame (cases opened on or after January 1, 2016) including the level of the highest charge (petty misdemeanor, misdemeanor, or felony), the type of offense, and the amount of the monetary sanction, if any. We focus on cases in which there was a monetary sanction. The number of cases per individual ranges from 1 to 17.

Characteristics of the ‘sample within sample’ closely mirror that of the original dataset. Each of the 13 judicial districts in the state contributed between 12 (4%) and 38 (13%) cases; and 30 counties contributed between 1 and 38 cases.¹² For 79% of the sample, the original or ‘anchor case’ is a traffic citation; 21% are cases with different misdemeanors. Eight-seven percent of anchor cases are petty misdemeanors; the remaining represent non-petty misdemeanors. One percent of defendants were minors at the time of disposition. Five percent were 18 or 19. The bulk of defendants were in their 20s (36%), 30s (22%), or 40s (18%). Males comprise 67% of cases; females comprise 33%.¹³

Figure 3 is a histogram showing the distribution of the 300 defendants by the number of cases in which there were fines and/or fees due across the time period. The histogram also indicates the number of defendants whose cases were traffic citations only, those whose cases were other crimes only, and those whose cases were a mix of traffic citations and other crimes.



The histogram indicates that 153 or 51% of the 300 defendants in the sample-within-a-sample had only one case for which they owed monetary sanctions, and, as we would expect, most were for traffic citations (84%). Another 19% had two cases with monetary sanctions; 12% had three cases with monetary sanctions; and 6% had accumulated four cases with monetary sanctions. Among these defendants with four or fewer cases with monetary sanctions, 77% only had traffic violations (although they may have had other criminal charges with no fines or fees attached). Twelve percent of the overall sample accumulated five or more cases with monetary sanctions; only 22% of these defendants only had traffic violations and 78% had all or some other criminal cases involving monetary sanctions.

The lines in Figure 4 represent the increase in the median total cost of monetary sanctions based on the total number of cases accumulated 2016-2022 for defendants with traffic citations only (blue line) and those with either other crimes or a mix of traffic citations and other crimes (red line).¹⁴ The graph shows that costs for defendants remain somewhat below that of those with a other crimes or a mix, but that the rate of change is similar. For defendants who have accumulated five cases, the median cost to those with traffic citations is \$896, while those with other crimes or a mix have accumulated a median of \$1,056 in monetary sanctions.

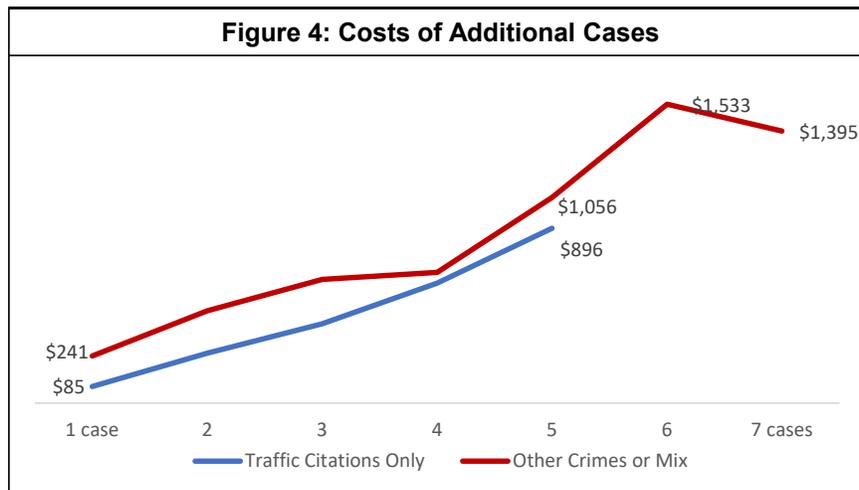
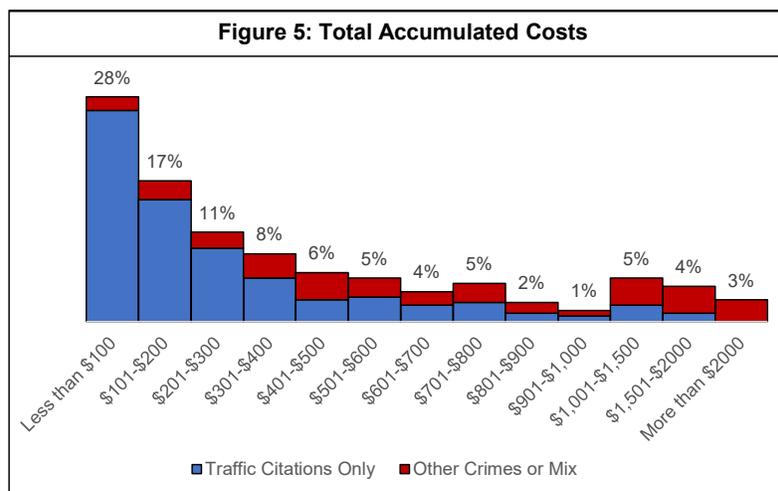


Figure 5 shows the distribution of accumulated costs over the six-year period, ranging from about the quarter of defendants who accumulated less than \$100 in monetary sanctions to the 12% of defendants who accumulated over \$1,000 in fines and fees. The figure demonstrates that while defendants with traffic citations only (blue) dominate cases under \$400, above this amount, most defendants have cases involving other crimes.



SUMMARY

In this study, we have taken a look into the experiences of a sample of defendants charged with misdemeanors, including traffic citations resulting in fines and fees between FY2016 and the first half of FY2022. Most cases are traffic

citations, and these differ from other misdemeanors in some meaningful ways. Traffic citations have among the lowest median fees, and while fines are actually more common among traffic citations than other misdemeanors, they tend to be lower in the amount charged. Bench warrants add costs for all types of cases, but they are more common and impactful for misdemeanors other than traffic citations. The great majority of people charged with traffic citations pay monetarily, 88%, compared to fewer than 60% of people charged with other misdemeanors. On the flip side, about five percent of people charged with a traffic citation pay with jail time, compared to nearly 30% of people charged with another misdemeanor. Courts take similar actions to recover fines and fees with both types of cases in terms of issuing an agreement to pay about half the time, but they adjust those agreements and issue bench warrants more commonly for misdemeanors other than traffic citations. The total number of actions taken by courts is higher for other misdemeanors. Defendants of other misdemeanors must contact courts more often than defendants of traffic citations. Finally, almost six in ten defendants of traffic citations close their cases within thirty days, compared to fewer than one third of defendants for all other misdemeanors.

Another important consideration is the different impact fines and fees have as they reach \$200. Defendants with original fees above \$200 are twice as likely to acquire one or more bench warrants (52% compared to 26%), they take more time to close their case (median of 119 days compared to median of 24 days), and they are more likely to serve jail time to do so (18% compared to 7%). Courts must take more actions to recover fines and fees from people with charges over \$200 as well (median of 3 actions compared to 1).

Monetary sanctions may not be financially impactful for many defendants. However, these data suggest that fines and fees are highly consequential for some. About a third of defendants have monetary sanctions that exceed \$200; about twelve percent have fees that exceed \$400. About ten percent of defendants are charged with two or more bench warrants. Nine percent of defendants must contact courts more than twice to close their case. Twelve percent of defendants take more than six months to pay their monetary sanctions. Nine percent serve jail time to pay all or some fines and fees. Over time, about twelve percent of defendants accumulate over \$1,000 in fines and fees in a six-year period.

Finally, extrapolating our sample information to the population of defendants with fines and fees, we estimate the cost to New Mexico to enforce fines and fees to be almost \$2.5 million a year. This consists of the cost to law enforcement agencies for arrests as well as the costs to detention centers when defendants pay fines and fees with jail time in whole or part.

APPENDIX 1-4:

Table 20: Fines and Fees by Crime Category							
Crime Category	# cases	Fines			Fees		
		Min	Max	Med	Min	Max	Med
Traffic Citations	1,801	\$0	\$900	\$0	\$0	\$498	\$77
DWI	106	\$0	\$1,000	\$0	\$0	\$400	\$241
Property	51	\$0	\$500	\$0	\$73	\$226	\$123
Drug Possession	43	\$0	\$200	\$0	\$0	\$429	\$198
Public Order	39	\$0	\$300	\$0	\$53	\$234	\$77
Interference with Administration of Justice	30	\$0	\$700	\$0	\$73	\$367	\$123
Assault and Battery	24	\$0	\$200	\$0	\$73	\$229	\$73
Domestic Violence	23	\$0	\$1,000	\$0	\$73	\$226	\$123
Animal Ordinance	14	\$0	\$100	\$0	\$53	\$844	\$73
Department of Game & Fish	10	\$0	\$1,000	\$0	\$53	\$329	\$73
Other	13	\$0	\$700	\$0	\$0	\$844	\$127

Table 21: Highlighted Features of Case by Crime Category						
Crime Category	# Cases	% Any Unwaived Bench Warrants	Median Monetary Sanction	% Monetary Sanction >\$200	Median Court Efforts	Median Time to Pay (days)
Traffic Citations	1,801	26%	\$106	26%	1	26
DWI	106	37%	\$341	100%	2	131
Property	51	67%	\$227	61%	2	26
Drug Possession	43	49%	\$298	77%	3	113
Public Order	39	28%	\$123	31%	1	28
Interference with Administration of Justice	30	60%	\$223	63%	3	140
Assault and Battery	24	50%	\$173	42%	2	77
Domestic Violence	23	70%	\$223	65%	3	166
Animal Ordinance	14	21%	\$124	29%	1	55
Department of Game & Fish	10	0%	\$123	30%	1	9
Other	13	38%	\$223	62%	2	28

Table 22: Fines and Fees by Judicial District

Judicial District	Traffic Citations							All Other Misdemeanors						
	# Cases	Fines			Fees			# Cases	Fines			Fees		
		Min	Max	Med	Min	Max	Med		Min	Max	Med	Min	Max	Med
1 st	154	\$0	\$400	\$0	\$61	\$264	\$61	31	\$0	\$750	\$0	\$73	\$429	\$198
2 nd	167	\$0	\$250	\$0	\$20	\$425	\$77	64	\$0	\$1,000	\$0	\$77	\$400	\$130
3 rd	173	\$0	\$730	\$25	\$10	\$498	\$81	12	\$0	\$250	\$0	\$73	\$241	\$163
4 th	166	\$0	\$300	\$0	\$61	\$325	\$61	16	\$0	\$500	\$0	\$73	\$373	\$212
5 th	147	\$0	\$650	\$25	\$61	\$364	\$81	24	\$0	\$750	\$0	\$53	\$326	\$123
6 th	176	\$0	\$500	\$25	\$61	\$381	\$61	30	\$0	\$500	\$0	\$73	\$844	\$137
7 th	64	\$0	\$200	\$10	\$61	\$253	\$61	23	\$0	\$1,000	\$0	\$53	\$291	\$123
8 th	82	\$0	\$300	\$0	\$61	\$209	\$61	17	\$0	\$750	\$0	\$0	\$291	\$123
9 th	86	\$0	\$900	\$25	\$61	\$208	\$81	19	\$0	\$300	\$0	\$73	\$259	\$123
10 th	89	\$0	\$525	\$15	\$5	\$314	\$81	19	\$0	\$750	\$0	\$0	\$291	\$123
11 th	171	\$0	\$600	\$25	\$61	\$266	\$81	49	\$0	\$1,000	\$100	\$53	\$326	\$198
12 th	166	\$0	\$400	\$25	\$0	\$478	\$81	33	\$0	\$750	\$0	\$73	\$535	\$123
13 th	160	\$0	\$300	\$0	\$61	\$305	\$61	16	\$0	\$500	\$0	\$73	\$550	\$241

Table 23: Highlighted Features of Case by Judicial District

Judicial District	Traffic Citations						All Other Misdemeanors					
	# Cases	% Any Unwaived Bench Warrants	Median Monetary Sanction	% Monetary Sanction >\$200	Median Court Efforts	Median Time to Pay (days)	# Cases	% Any Unwaived Bench Warrants	Median Monetary Sanction	% Monetary Sanction >\$200	Median Court Efforts	Median Time to Pay (days)
1 st	154	26%	\$81	18%	1	23	31	45%	\$241	65%	2	150
2 nd	167	20%	\$86	16%	0	12	64	47%	\$295	73%	1	7
3 rd	173	35%	\$161	34%	2	30	12	42%	\$257	75%	2	56
4 th	166	20%	\$76	18%	1	24	16	50%	\$232	62%	3	118
5 th	147	20%	\$96	28%	1	18	24	54%	\$241	67%	2	124
6 th	176	34%	\$131	32%	2	30	30	53%	\$337	87%	4	134
7 th	64	25%	\$91	19%	1	28	23	30%	\$241	65%	2	67
8 th	82	24%	\$142	28%	1	25	17	18%	\$123	41%	1	27
9 th	86	21%	\$126	34%	1	18	19	42%	\$226	68%	2	83
10 th	89	21%	\$96	24%	0	30	19	37%	\$198	47%	1	85
11 th	171	40%	\$181	39%	2	35	49	47%	\$298	82%	2	133
12 th	166	28%	\$122	31%	1	27	33	45%	\$198	48%	2	51
13 th	160	17%	\$71	21%	1	29	16	62%	\$335	81%	3	96

Endnotes

1. This research does not include all charges a court may impose. In addition to fines, fees, and bench warrants, courts may charge defendants for additional costs, e.g. domestic violence classes, DWI equipment, probation, or required charitable donations. These costs are irregularly included in court records, in part because the costs are collected by a third party rather than the court in some districts.
2. In some cases, cash bonds used to release an arrestee from jail are used to pay the arrestee's fines and fees. Amounts left over, if unclaimed, are forfeited. Forfeited funds are deposited in the state's Public School Fund.
3. An unknowable number of traffic citations that were not contested but rather paid directly to the Motor Vehicle Department were not included because such cases are not entered in the Administrative Office of the Courts system.
4. We excluded cases that were opened prior to July 1, 2015, those for whom the defendant was not an individual person (i.e. a car rental company), and those in which the defendant died before the case closed.
5. Often, in this dataset public order violations are disorderly conduct or possession of alcohol by a person under 21 years of age.
6. Often, in this dataset interference with justice cases are resisting, evading, or obstructing an officer or concealing identity.
7. All bench warrants, not only Failure to Pay bench warrants, add \$100 to a defendant's monetary sanction. We sought to limit our assessment to those bench warrants directly related to the failure of the defendant to pay fines and fees on time. Because some judges and/or jurisdictions may issue a 'Failure to Appear' bench warrant that relates to a failure to pay on time, especially for the first such warrant, our study may undercount bench warrants directly related to fines and fees. A 2018 court rule requires courts to hold a hearing before issuing the first bench warrant related to a failure to pay fines and fees on time. The bench warrant issued when a defendant misses the hearing might be either a Failure to Appear or Failure to Pay bench warrant.
8. Table 7 omits cases that are not yet closed. We used the total amount due: fines, fees, and unwaived bench warrants. For 'Paid Any Part with Jail,' we combined two transaction types, 'Jail in Whole or Part' and 'Jail and Community Service in Whole or Part.'
9. Looking only at cases where monetary sanctions exceed \$200, the median number of court actions is 3 and the median number of court contacts is 1 for both traffic citations and all other misdemeanors.
10. In our sample, we determined at least one warrant had been issued for most defendants who served jail time in lieu of paying all or part of their monetary sanctions. At least one warrant had been issued for all defendants who paid all or part of their monetary sanctions with a bond conversion.
11. Combining all other misdemeanors masks differences in time to pay by crime category. Those with domestic violence offenses took the longest to pay, with a median of 165 days or 5.5 months, while those with Department of Game and Fish offenses took the least amount of time to pay, with a median of 9 days .
12. The three counties absent from the 'sample within a sample' are Harding, Los Alamos, and Union.
13. Gender is unknown for two defendants.
14. We did not calculate a median for any category in which there were fewer than five defendants.

Bibliography

American Bar Association Presidential Task Force on Building Public Trust in the American Justice System. (2018). ABA Ten Guidelines on Court Fines and Fees. https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_ind_10_guidelines_court_fines.pdf

Bing, L., Pettit, B., & Slavinski, I. (2022). Incomparable Punishments: How Economic Inequality Contributes to the Disparate Impact of Legal Fines and Fees. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 8(2), 118–136. <https://doi.org/10.7758/rsf.2022.8.2.06>

Fines and Fees Justice Center (2022). New Mexico Suspension Data Infographic. https://finesandfeesjusticecenter.org/content/uploads/2020/10/New_Mexico_License_Suspensions_2016_2018_PDF.pdf

Friedman, B., Harris, A., Huebner, B. M., Martin, K. D., Pettit, B., Shannon, S. K. S., & Sykes, B. L. (2022). What Is Wrong with Monetary Sanctions? Directions for Policy, Practice, and Research. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 8(1), 221–243. <https://doi.org/10.7758/rsf.2022.8.1.10>

Hammons, B., & Associate, C. (2021). Tip of the Iceberg: How Much Criminal Justice Debt Does the U.S. Really Have? https://finesandfeesjusticecenter.org/content/uploads/2021/04/Tip-of-the-Iceberg_Criminal_Justice_Debt_BH1.pdf

Martin, K. D., Sykes, B. L., Shannon, S., Edwards, F., & Harris, A. (2018). Monetary Sanctions: Legal Financial Obligations in US Systems of Justice. *Annual Review of Criminology*, 1(1), 471–495. <https://doi.org/10.1146/annurev-criminol-032317-091915>

Menendez, M., Crowley, M., Eisen, L.-B., & Atchison, N. (2019). The Steep Costs of Criminal Justice Fees and Fines: A Fiscal Analysis of Three States and Ten Counties. https://www.brennancenter.org/sites/default/files/2019-11/2019_10_Fees%26Fines_Final5.pdf

Natapoff, A. (2015). Misdemeanors. *Annual Review of Law and Social Science*, 11(1), 255–267. <https://doi.org/10.1146/annurev-lawsocsci-120814-121742>

Stewart, R., Watters, B., Horowitz, V., Larson, R. P., Sargent, B., & Uggen, C. (2022). Native Americans and Monetary Sanctions. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 8(2), 137–156. <https://doi.org/10.7758/rsf.2022.8.2.07>