

SUPREME COURT OF NEW MEXICO
Administrative Office of the Courts

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BAILIFF FEE PAYMENT GUIDELINES

I. PURPOSE OF GUIDELINES

The purpose of these guidelines is to define responsibility for the payment of bailiff fees and to provide direction for controlling bailiff fees.

These guidelines shall be used by the Administrative Office of the Courts (AOC) to determine bailiff fees incurred by the magistrate and district courts. These guidelines supersede all policies and procedures previously in effect.

II. GENERAL GUIDELINES

A. Definition of Bailiff Fees

Bailiff fees are all allowable expenses charged by a bailiff who is called to maintain order and security in a courtroom or to provide other general services in a courtroom.

B. Cost Control

The courts shall maximize the use of taxpayer dollars by obtaining bailiffs in the most economical manner possible while not detrimentally affecting the proceedings of justice.

III. PAYMENT RESPONSIBILITY

A. Proceedings

Payment for bailiff fees is allowable in all magistrate civil and criminal cases involving juries. Bailiffs in district court (including grand juries) are paid from the district's budget.

B. Rate of Pay

1. Bailiff Fees

Bailiffs shall be paid the federal minimum hourly wage; bailiffs will be responsible for any gross receipts tax. Round to the nearest quarter hour.

2. Mileage

Payment of mileage only applies when the bailiff is required to travel (fifteen mile radius) outside his town of residence. Payment is at the DFA rate. Please check your DFA regulations for the amount. Driving mileage is calculated by using an official road map, unless beginning and ending odometer readings are provided. Air mileage is disallowed.

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III. PAYMENT RESPONSIBILITY (cont'd)

Payment of travel by common carrier, i.e., commercial bus or taxi, may be reimbursed. Common carrier fare cannot exceed the cost of mileage for a privately owned motor vehicle. Receipts must be attached to the certification form.

3. Public Employees

a. The purpose of the guidelines concerning public employees is to eliminate "double dipping", or the practice of paying public employees from two sources of taxpayer money.

b. Except as provided in paragraph 3 of this subsection, a public employee performing the duties of a bailiff, during normal working hours, shall not be paid unless the employee furnishes to the court an approved leave slip.

c. A court employee who is not employed as a court bailiff shall not be paid for performing the duties of a bailiff during normal working hours. Nothing in this paragraph shall be construed as prohibiting a judge from requesting a court employee to act as bailiff as part of the employee's duties.

4. Parking

Parking expenses are allowable if incurred while a bailiff is attending court and parking is not provided by the court. Appropriate receipts must be attached to certification form.

In accordance with state law, no agency shall pay a bailiff for services not rendered.

IV. PROCESSING OF VOUCHERS

A. The Certification of Bailiff form is filled out and signed by the bailiff. A copy of the signed certification form is necessary to receive payment. Court personnel shall review all documents for completeness and accuracy.

B. Court personnel shall forward the form and all attachments to AOC for payment. The court shall retain a copy of the material submitted to AOC.

C. AOC will process the payment request and mail the bailiff fee payment directly to the bailiff.