

Opinion No. 57-306

November 26, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Howard M. Rosenthal,
Assistant Attorney General

TO: Luis Armijo, District Judge, Fourth Judicial District, Las Vegas, New Mexico

QUESTION

QUESTION

Has a Juvenile Court, imposing a fine against a juvenile for violation of a municipal ordinance, the power to order the fine paid to the municipality where the violation occurred?

CONCLUSION

No.

OPINION

ANALYSIS

The substance of the question would appear to be covered by Article XII, § 4 of the New Mexico Constitution in which "all fines . . . collected under general laws; . . . shall constitute the current school fund of the state", and by § 41-21-1, which provides that all fines imposed by the District Court shall be remitted to the current school fund of the state.

The authority of the Court in juvenile matters is set out in the Juvenile Code and is a "general law", hence the application of Article XII, § 4, and although the District Court is acting with statutory authority under the Juvenile Code as a juvenile court, nothing in the law indicates an authority to dispose of District Court fines other than in accordance with § 41-21-1.

A juvenile appearing in juvenile court, whether for violation of a municipal ordinance or for any other reason, is heard as a juvenile delinquent and not as a transgressor against a municipal ordinance or some such similar offense. Consequently the tribunal hearing such proceeding is acting as a statutorily created juvenile court and § 14-46-4 concerning fines collected for violation of municipal ordinances would appear to have no bearing.