

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 16th day of February, 2010, at its regular meeting at 6:00 p.m. in the City Commission Chambers at City Hall, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance which reads as follows:

AN ORDINANCE AMENDING CHAPTER 2.16.050 OF THE HOBBS MUNICIPAL CODE REGARDING CITY JAIL WORK DETAIL

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS,
NEW MEXICO that Chapter 2.16.050 of the Hobbs Municipal Code is hereby amended to read as follows:

2.16.050 Suspension of sentence.

Upon the entry of a plea of guilty or a judgment of conviction of any provision of this code or other municipal ordinance, the Municipal Judge, in addition to pronouncing sentence as authorized by this code or other ordinances of the City, may:

- A. Suspend in whole or in part the execution of sentence or place the defendant on probation for a period not exceeding one year, on terms and conditions the court deems best, or both;
- B. Suspension of execution of the sentence or probation, or both, shall be granted only when the Municipal Judge is satisfied it will serve the ends of justice and of the public;
- C. The defendants liability for any fine or other punishment imposed shall be fully discharged upon successful completion of the terms of probation;
- D. The Municipal Court may, as a condition of probation, require the defendant to serve a period of time in volunteer labor to be known as community service. The type of labor and period of service shall be at the sole discretion of the Court; provided, that any person receiving community service shall be immune from any civil liability other than gross negligence arising out of the community service, and any person who performs community service pursuant to court order or any criminal diversion program shall not be entitled to any wages, shall not be considered an employee for any purpose and shall not be entitled to workmen's compensation, unemployment benefits or any other benefits otherwise provided by law. As used in this section, "community service" means any labor that benefits the public at large or any public, charitable or educational entity or institution;
- E. Every person committed to and incarcerated in the Hobbs City Jail and selected by the Hobbs City Jail for work detail shall work for the Municipal Corporation, at such labor as his strength will permit, within or without the jail or other place provided

for the incarceration, not exceeding ten (10) hours each working day. Each prisoner shall receive credit for the reduction of any fine, court costs and fees, including, but not limited to, judicial training fees, court automation fees, and any other statutory imposed fees, in the amount equivalent to the current federal minimum wage rate for each hour of work detail performed. This section shall be administered pursuant to the Hobbs Police Department Rules and Regulations.

F. The Municipal Judge shall be responsible for providing appropriate, itemized financial information with respect to the fines, court costs, and fees as provided in paragraph E. herein to the City Finance Director each month in a timely manner to allow all mandatory reporting to be accomplished by the Finance Director.

Copies of the ordinance are available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico, and also available online at www.hobbsnm.org.

/s/ Jan Fletcher
JAN FLETCHER, City Clerk