

Opinion No. 13-988

February 20, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Honorable O. N. Marron, State Treasurer, Santa Fe, N. M.

FINES.

Method of remitting fines to state treasurer.

OPINION

{*154} I have before me your letter of the 18th inst. with regard to the method of dealing with fines which may be collected by different courts and which are to come to the state treasury for credit to the current school fund of the state.

You say that some of the county treasurers have been remitting these fines and showing the same on their regular remittance blanks, while others have been sending them in in a manner which shows that they have kept no record of the collections, and in still other cases the clerks of district courts have remitted directly.

It appears to me that it would be preferable for all fines collected to come to you through the county treasurers, so that in each county the treasurer's books would show the receipt and remittance to you of all such money. It must not be overlooked that many fines are imposed and collected by Justices of the Peace, and it would tend to a confused condition if the justices were to make remittances to you.

I am, therefore, of opinion that it would be better to follow the course which has heretofore been usual of having all collectors of fines turn them over to the county treasurer, who would make a record of having received them and then transmit to you.

{*155} I will confer with the Traveling Auditor, in view of the fact that he has written a letter to the Clerk of Chaves County on this subject, and we will agree upon some proper course to be regularly followed, and I will write you further if, after such conference, it seems necessary so to do.