

CITY OF HOBBS

ORDINANCE NO. 1032

AN ORDINANCE AMENDING CHAPTER 2.16.050 OF THE HOBBS
MUNICIPAL CODE REGARDING SUSPENSION OF SENTENCE

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:

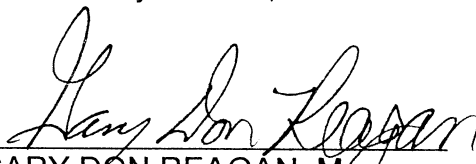
D. As part of a sentence or as a condition of probation, require the
defendant to serve a period of time in volunteer labor to be known as community
service. The type of labor and period of service shall be at the sole discretion of
the Court; provided, that any person receiving community service shall 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
workman'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. At the sole discretion of the Judge, permit any participant in the
Hobbs Alternative Program – who has completed all mandatory community
service hours to work for the Municipal Corporation, at such labor as his strength
will permit, not exceeding ten hours each working day. Each participant 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 performed. This section shall be administered pursuant to
the Hobbs Police Department Rules and Regulations.

F. At the sole discretion of the Judge, permit any defendant who is not
sentenced to community service or subject to community service as a condition
of probation but who is unable to pay fines and/or court costs and fees to perform
community service as provided in paragraph E. of this section.

G. 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. and F. herein to the City Finance Department each month in a timely manner to allow all mandatory reporting to be accomplished by the Finance Director.

PASSED, ADOPTED AND APPROVED this 21st day of June, 2010.


GARY DON REAGAN, Mayor

ATTEST:


JOAN FLETCHER, City Clerk

