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## FISCAL IMPACT REPORT

SPONSOR: King DATE TYPED: 02/28/01 HB 803  
 SHORT TITLE: Additional Torrance County Magistrate Judge SB \_\_\_\_\_  
 ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 94.4			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB215.

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
*Judiciary Unified Budget* document  
 LFC files

### SUMMARY

#### Synopsis of Bill

HB803 amends Section 35-1-33 NMSA 1978 to create a division 2 in the Torrance magistrate district. In addition, this bill appropriates \$94.4 from the general fund to the Administrative Office of the Courts for the purpose of funding an additional judgeship and “staff” for the Torrance County magistrate district division 2. The magistrate will operate as a single court in Moriarity, with both judges rotating to the circuit court in Estancia.

The new magistrate judge will be filled by appointment by the Governor and serve until a successor has been elected.

Effective date of the provisions in this act is July 1, 2001.

#### Significant Issues

In 1998, AOC completed an updated and expanded study to provide the Legislature with a methodology for determining the needs for additional judgeships, the Weighted Caseload Study. The study assigns a weight for each type of case heard in a court. The weight, expressed in minutes, represents the average amount of judge’s time necessary to process a case of that type. Each weight is multiplied by the number of new cases filed per category.

**House Bill 803 -- Page 2**

For FY02, the Chief Judges Council reviewed all district, metropolitan and magistrate judgeship requests statewide. The Weighted Caseload Study showed a need in Torrance magistrate court for a total **.89** judge (less than one). See the table below. The Council did not consider the Torrance magistrate court judgeship request since the weighted caseload did not support the need, and therefore, is not supported in the Judiciary Unified Budget.

	Type of Case	Number	Weight	Value
Torrance	Civil: Landlord/Tenant	39	55.49	2,164.11
Torrance	Civil: Other	149	30.37	4,525.13
Torrance	Domestic Violence	56	38.10	2,133.60
Torrance	DWI	99	76.78	7,601.22
Torrance	Felony	131	55.39	7,256.09
Torrance	Misdemeanor	148	32.09	4,749.32
Torrance	Traffic	2,819	17.06	48,092.14
Totals:		3,441		76,521.61

Judge's Average Yearly Value	<b>86,000</b>	Torrance =	76,522
Number of Judges Needed (Total Weighted Minutes/ Judge Year Value)	<b>0.89</b>		
Number of Existing Judges	1		
Difference +/-	- 0.11		

Latest data from the Torrance magistrate courts indicated a caseload of approximately 3,500 cases per year. While this is more than the average of 2,500 cases per magistrate judge per year, one can see from the table that 2,819 of those cases are traffic-related, and therefore, assessed with a low weight value. Hence the .89 number of judges needed in that county.

**FISCAL IMPLICATIONS**

Of the \$94.4 appropriation contained in this bill, \$83.0 is a recurring expense to the general fund and \$11.4 is non-recurring for acquisition of furniture and equipment. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

**RELATIONSHIP**

HB215, referred to as the "judgeship bill," is referenced here to note that no judgeship or staff were requested for Torrance county in the bill since the weighted caseload analysis does not support the need.

**TECHNICAL ISSUES**

The appropriation in this bill includes "staff." Given the total appropriation, the assumption is one court clerk. May need to clarify how many FTE.

**POSSIBLE QUESTIONS**

**House Bill 803 -- Page 3**

1. Why is an additional judgeship being requested for Torrance magistrate district when the weighted caseload analysis indicates that another position is not needed?

CMH/prr