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FISCAL IMPACT REPORT

SPONSOR: Rawson DATE TYPED: 03/05/01 HB _____
 SHORT TITLE: State Police Officers' Appearance in Court SB SJM37
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Department of Public Safety (DPS)

SUMMARY

The Senate Joint Memorial addresses the problems associated with state police officer appearances in court and requests that the Supreme Court develop rules to address the issue. The memorial lists the following issues:

Synopsis of Bill

- Public safety depends on police officer availability.
- Police officers sometimes wait in court 8 hours on a trailing docket and at times are not heard.
- In some courts there is little cooperation regarding scheduling police officers on work days.
- Some magistrates have scheduled police officers on days off.
- Districts lose patrol hours because the officers are waiting in court.
- Trailing dockets can be improved.
- Police stations have to enter police schedules into court databases because the police databases are not compatible with court databases.
- Police officers can be scheduled for numerous court appearances at a time.
- Notification of court dates is a problem.

The memorial asks the Supreme Court to develop rules for courts to cooperate with the New Mexico state police in scheduling police officers' appearance in courts so that cases are not dismissed unnecessarily and patrol time by officers is not unnecessarily reduced.

Lastly, a copy of the memorial is to be transmitted to the New Mexico Supreme Court.

Significant Issues

1. **Case Management.** The memorial points to a case management problem that affects efficiencies of both the courts and law enforcement agencies. Officers' duty schedules are busy. Courts are overwhelmed by increased caseload and hearings of all types. Scheduling is an issue for both. If that can be acknowledged, then courts and police can work together for a solution.
2. **Software Compatibility.** The AOC believes there is no software system that would address scheduling issues as implied in the bill. While it is possible for the Supreme Court to draft a blanket order to have courts work with law enforcement agencies to the address the problem, the details of such tasks would probably need to be handled at a local level. Several courts and local police departments have already addressed these problems together in order to reduce risk of case dismissal and with the least amount of interference of an officer's duty schedule.

FISCAL IMPLICATIONS

The State Police Department could experience a decrease of costs in terms of the amount of overtime that is paid in those case where officers must be paid to comply with the Fair Labor Standards Act. For others, officers accrue compensatory time because of a lack of funding to pay officers to be in court.

ADMINISTRATIVE IMPLICATIONS

If cooperative court scheduling is further developed and the Supreme Court establishes rules for expediting the release of state police officers' court appearances, then more officers would have more hours available to patrol, to devote to public safety and to perform duties as required.

OTHER SUBSTANTIVE ISSUES

It is common knowledge that one particular magistrate court in New Mexico has had overwhelming problems regarding this issue. If this single court or judge(s) has prompted the memorial, perhaps the specific problems of that district could be directed to the Supreme Court by the state police for handling.

CMH/njw