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## FISCAL IMPACT REPORT

ORIGINAL DATE 3/2/17

SPONSOR Stewart LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Public Defender Facilities SB 511/SPACS

ANALYST Downs

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0.0	(\$2,600.0)	(\$2,600.0)	(\$5,200.0)	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

### SUMMARY

#### Synopsis of the Senate Public Affairs Committee Substitute of Senate Bill 511

Senate Bill 511, as substituted by the Senate Public Affairs Committee, requires counties to provide facilities, utilities, and maintenance for the Public Defender Department in each judicial county, just as counties are presently required to do for the District Attorneys.

### FISCAL IMPLICATIONS

In fiscal year 2016, actual lease costs at the Public Defender Department were over \$2.6 million. In the current fiscal year, the Public Defender Department has budgeted \$2.7 million, and it requested \$2.8 million for the upcoming fiscal year. The gradual increase in leases is due to the opening of more offices around the state. Currently the department has offices in roughly half the judicial districts, relying on contracts in the remaining half. Not only would Senate Bill 511 eliminate more than \$2 million in rent costs, it would also allow for the department to have a physical office in every judicial district, just like district attorneys. It would also allow for easier cost containment, since employees of the department have a fixed salary, as opposed to contract attorneys whose fees vary.

**SIGNIFICANT ISSUES**

Saving over \$2 million in lease costs would allow for those resources to be utilized elsewhere in the Public Defender Department. The department provided the following commentary:

Under current statute, the workload of defense attorneys is so heavy in some offices that lawyers have been required to withdraw from new cases in order to provide constitutionally mandated effective assistance of counsel to their existing clients. The proposal in Senate Bill 511, if it allows the freed Public Defender Department budget to be spent on client representation, would seem to go a long way to remedying this problem.

Section 36-1-8.1 NMSA 1978 states, “[e]ach board of county commissioners shall provide adequate quarters for the operation of the district attorney and provide necessary utilities and maintenance service for the operation and upkeep of district attorney facilities.” Though the New Mexico Association of Counties did not respond to requests for analysis on Senate Bill 511, each county would certainly incur costs in providing facilities for the Public Defender Department in addition to the District Attorneys and District Courts.

JD/jle/al