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## FISCAL IMPACT REPORT

**SPONSOR**    Hochman-Vigil/                      **ORIGINAL DATE**    2/09/19  
                   Maestas                                      **LAST UPDATED**    3/14/19                      **HB**    279/aSJC

**SHORT TITLE**    On-Record Metro Court Appeals                      **SB** \_\_\_\_\_

**ANALYST**    Torres

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

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI*	NFI*	NFI*	NFI*	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

\*See fiscal impacts.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Defender Department (PDD)

Administrative Office of the Courts (AOC)

New Mexico Attorney General (NMAG)

New Mexico Sentencing Commission (NMSC)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee Amendment for House Bill 279 inserts language to exclude civil actions brought pursuant to the Uniform Owner-Resident Relations Act in the metropolitan court from direct appeal to the Court of Appeals by specifying that the metropolitan court is not a court of record for those cases.

#### Synopsis of Original Bill

House Bill 279 amends Section 34-8A-6 NMSA 1978 to provide that on-record civil, DWI, and domestic violence cases in the Metropolitan Court are appealed directly to the Court of Appeals.

### FISCAL IMPLICATIONS

The Metropolitan Court is a court of record for civil cases and criminal cases involving driving while under the influence of intoxicating liquor or drugs and domestic violence. In 2017, 107

civil appeals from Metro Court were filed in the district court, and in 2018, 143 civil appeals were filed. Also, an average of 35 DWI and domestic violence cases, combined, are appealed from Metro Court each year. This is likely to impact the Court of Appeals by adding approximately 178 cases to their caseloads a year.

The extra operational costs incurred by the Court of Appeals are likely to be offset by the reduction in operational costs experienced by the reduction in caseload in the district court. HB 279 would have a positive fiscal impact on the Second Judicial District Court by reducing the number of appeals from Metro Court. Since the Court of Appeals has staff attorneys who are solely dedicated to reviewing cases on appeal, and that court has a much more efficient process for reviewing and disposing of cases on appeal, the fiscal impact on the Court of Appeals would likely be minimal. Furthermore, since some of the cases which are appealed to the district court are subsequently appealed to the Court of Appeals already, this bill would promote judicial efficiency by eliminating an unnecessary layer of appeal.

It is unlikely HB 279 would have any fiscal impact on the Law Offices of the Public Defender (LOPD). LOPD would remain responsible for representing the same number of appellate clients, though the venue, and thereby possibly the process, would change. LOPD would likely be able to absorb such changes in the ordinary course of business.

### **SIGNIFICANT ISSUES**

House Bill 279 would shift on-record appeals that arise from cases in the Metropolitan Court from the Second Judicial District Court to the Court of Appeals. Under the current law, all on-record appeals from the Metropolitan Court go first to the Second Judicial District Court and then to the Court of Appeals.

### **RELATIONSHIP/TECHNICAL ISSUES**

The NMAG notes:

House Bill 224 (“Courts of Record for Felony Bail Cases”) also proposes to amend Section 34-8A-6, making the metropolitan court a court of record for “felony charges for which the prosecuting authority has requested a hearing to deny bail,” in addition to DWI and domestic violence cases.

House Bill 224 does not, however, propose to amend Section 34-8A-6 to provide a right of appeal in such cases to the court of appeals, as House Bill 279 does. Therefore, House Bill 224 and House Bill 279 are inconsistent with one another.

IT/sb