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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/22

SPONSOR Brown LAST UPDATED 2/13/22 HB 124/aHAFC

SHORT TITLE Create Additional Judgeships SB \_\_\_\_\_

ANALYST Dick-Peddie

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

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		*\$613.6			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

\* The Senate Finance Committee amendment to House Bill 2 includes the full appropriation to the 5<sup>th</sup> and 13<sup>th</sup> judicial district courts contained in HB124.

#### Responses Received From

Administrative Office of the Courts (AOC)  
Public Defender Department (PDD)

#### No Response Received

Administrative Office of District Attorneys (AODA)

### SUMMARY

#### Synopsis of HAFC Amendment

The House Appropriations and Finance Committee strikes the bill's appropriation.

#### Synopsis of Original Bill

House Bill 124 appropriates a total of \$613.6 thousand from the general fund, comprised of \$306.8 thousand each to the 5th judicial and 13th judicial district courts for the purpose of creating a new district judgeship in each district.

The bill also amends Section 34-6-8 NMSA 1978 to increase the total number of district judgeships provided for in statute for the 5th and 13th judicial districts.

### FISCAL IMPLICATIONS

A workload study from the National Center for State Courts (NCSC) conducted in 2019 showed a need for 25 new judges statewide, with the 1st, 2nd, 3rd, and 12th judicial districts having the greatest need, followed closely by the 13th and 5th judicial districts. During the 2020 regular legislative session, the Legislature funded and approved enabling legislation for judgeships in the 1st, 2nd, 3rd, and 12th judicial districts, as requested in the judiciary's Unified Budget. For

FY23, the Unified Budget submission included one new judgeship each in the 5th and 13th judicial districts, addressed in HB124.

The Senate Finance Committee amendment to House Bill 2 includes the full appropriation to the 5<sup>th</sup> and 13<sup>th</sup> judicial district courts contained in HB124.

The appropriation of \$613.6 thousand contained in the original bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY21 shall revert to the general fund.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

### **PERFORMANCE IMPLICATIONS**

AOC notes positive performance implications of the new judgeships on the affected districts below:

According to the 2020 U.S. Census, Eddy County's population grew 15.8 percent over the 2010 U.S. Census population; and Sandoval County's population has grown by 7.14 percent since the 2010 census. Between FY13 and FY19, caseloads at the Eddy County District Court increased by 1483 cases for a total increase of 40.7 percent and an average increase of 6.7 percent per year.

From FY14 to FY19 the Sandoval County District Court caseload grew 17.1 percent, with a civil case increase of 37 percent. Caseload growth has slowed during the pandemic, but the courts anticipate the numbers to go back up when public health restrictions subside. These new judgeships will help these districts address the needs of their growing populations to help ensure the citizens of these districts have timely access to justice.

The Public Defender Department notes potential workload increases for new district judgeships:

The Public Defender Department has a brick and mortar office in the Fifth Judicial District, but serves the Thirteenth Judicial District exclusively with contract counsel. Because LOPD is generally required to have attorneys in all criminal courtrooms each day where there are brick and mortar offices, an additional judgeship in the Fifth Judicial District would likely require additional attorneys to cover that courtroom, so additional FTEs could be necessary. Even if a new judge would simply reduce the workload for the existing judges in these jurisdictions, that means cases would be processed, heard, and tried more expeditiously, adding to the day-to-day workloads of public defenders and prosecutors in preparing for and appearing for such proceedings. The exact fiscal impact on the LOPD is impossible to determine at this time.

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