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FISCAL IMPACT REPORT

SPONSOR <u>Chandler</u>	LAST UPDATED <u>2/15/2023</u>
SHORT TITLE <u>Magistrate Court Changes</u>	ORIGINAL DATE <u>1/24/2023</u>
	BILL NUMBER <u>House Bill 113/aHJC</u>
	ANALYST <u>Gray</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Initial buildout	No fiscal impact	No fiscal impact	Up to \$247.9	Up to \$247.9	Nonrecurring	General fund
Ongoing software	No fiscal impact	No fiscal impact	Up to \$147.4	Up to \$147.4	Recurring	General fund
Total	No fiscal impact	No fiscal impact	Up to \$395.3	Up to \$395.3		General fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Judicial Standards Commission (JSC)
 Public Defender Department (PDD)
 Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment of House Bill 113 would change the requirements for a magistrate judge. The amendment lowers the required education to be a magistrate judge, changing the requirement from having a four-year degree or a two-year degree with four years relevant work experience to just having a two-year degree.

Synopsis of Original House Bill 113

HB113 would make changes to magistrate court judge qualifications. The proposed amendments would require magistrate judges to be 30-years of age, have a four-year degree, a two-year degree with relevant experience, or have eight years of experience as a magistrate court judge, court clerk, or an equivalent. Current magistrate judges would be exempted from the new qualifications requirements.

HB113 would make magistrate courts a court of record, meaning all proceedings would be recorded and an appellate record would be created for direct review of magistrate court rulings. The bill would change the jurisdiction of magistrate courts to cover the same areas as the judicial district. Lastly, the bill would establish statewide jurisdiction for motor vehicle offenses other than DWIs. Currently, magistrate court jurisdiction is limited to the immediate county and surrounding counties.

The effective date of this bill is July 1, 2024.

FISCAL IMPLICATIONS

Recording equipment will be needed to bring magistrate courts on the record. The Administrative Office of the Courts did not provide an estimated fiscal impact for this transition, noting that the delayed implementation until July 1, 2024 would allow for sufficient time to request additional funding revenue to cover those costs.

Preliminary estimates from AOC indicate that one-time buildout costs for audio recording technology are \$3,700 per courtroom and require \$2,200 in on-going licensing costs. The total nonrecurring cost across the 67 magistrate courtrooms is \$247.9 thousand and the on-going costs are \$147.4 thousand. Some magistrate courtrooms are already equipped with audio recording technology, meaning this estimate is likely higher than the actual costs. This will be available once AOC conducts a more detailed review of the existing infrastructure.

AOC noted changing jurisdiction will have a positive fiscal impact because it will allow for a more efficient caseload management process. Additionally, allowing magistrates to have statewide jurisdiction over non-DWI traffic offenses will allow those cases to be distributed more equally statewide. Non-DWI traffic hearings are typically conducted remotely, meaning less busy courts will be able to hear cases for larger courts with heavier criminal and civil caseloads. The IT infrastructure is already in place to accommodate this shift, according to AOC.

The Public Defender Department notes that public attorneys may need to allocate additional personnel resources on some cases due to the potential unavailability of *de novo* trials in district court and for the need to develop an appellate record.

SIGNIFICANT ISSUES

Currently, appeals from magistrate courts must go to district court under Article VI, Section 13 of the New Mexico Constitution. These appeals are, by statute, required to be tried *de novo*, or without reference to the legal conclusions or assumptions made by the previous court (Section 35-13-2 NMSA 1978). While HB113 would make magistrate courts a court of record for all proceedings, the proposed language does not make any changes to the appellate jurisdiction or appellate review.

According to analysis from PDD, under current constitutional and statutory provisions, appeals would still need to be heard *de novo*, eliminating any efficiencies that may have otherwise been created by bringing magistrate courts on the record. Subsequent constitutional or statutory amendments may be needed.