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FISCAL IMPACT REPORT

SPONSOR Hochman-Vigil LAST UPDATED _____
ORIGINAL DATE 1/30/25
SHORT TITLE Additional Second District Judgeship BILL NUMBER House Bill 147
ANALYST Chavez

APPROPRIATION* (dollars in thousands)

FY25	FY26	Recurring or Nonrecurring	Fund Affected
	\$306.8	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Administrative Office of the Courts (AOC)

Agency Analysis was Solicited but Not Received From
New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of House Bill 147

House Bill 147 (HB147) amends 34-6-5 NMSA 1978 to create an additional district judge position in the 2nd Judicial District Court. HB147 also appropriates \$306.8 thousand from the general fund to the 2nd Judicial District Court for the purpose of creating a new judgeship, including salaries and benefits for the judge and staff, furniture, equipment, and supplies.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

The appropriation of \$306.8 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY26 shall revert to the general fund.

According to the Administrative Office of the Courts (AOC), the appropriation would pay for the additional district court judge, a court monitor, and a trial court assistant, specifically.

SIGNIFICANT ISSUES

AOC provides the following:

There are currently 30 district court judges at the 2nd Judicial District Court. Four judges are assigned to the family court division that hears domestic violence cases, divorce, custody, parentage, child support, extreme risk firearm protection cases, kinship guardianship cases, and certain adoption cases. Every other division at the 2nd Judicial District Court has added judges to their division but family court has had four judges since 1997. In the past 28 years the family court caseload has grown significantly and new case types have been added to the court's docket.

In FY24, there were 9,676 cases filed or reopened in the family court division. Those cases are in addition to the 3,529 cases that were still pending from the previous fiscal year. In FY24, there were 3,651 domestic violence cases filed or reopened. Judges are required to review and countersign all domestic violence orders as well as be on-call 24 hours-a-day for emergency restraining orders, which averaged 55 calls per month in FY24.

The family court division has eight hearing officers who help the judges, but they have limited dockets and cannot make final binding decisions, which all must be made by the assigned judge. The need for timely decisions is hampered if parties cannot have cases either heard or reviewed by a judge in a timely fashion.

Over 75 percent of family court cases have at least one self-represented party. Usually both parties are unrepresented, which increases time on the bench as well as time drafting orders for the unrepresented parties.

PERFORMANCE IMPLICATIONS

The additional judgeship would improve the second judicial district's family court by hearing cases and issuing final decisions at a faster rate. The new judgeship would improve the backlog reported during the budget request cycle that results in waiting lists of up to six to eight months.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AOC provides the following:

Without the additional judge, the Court will likely need more hearing officers to address the increases in caseloads and case complexity. But that will result in longer waiting periods for final orders as a hearing officer only issues recommendations and they have thirty (30) days to issue recommendations in all non-domestic violence cases, and the parties have fourteen (14) days to object to any recommendation by a hearing officer, which sometimes results in a second hearing in front of the assigned judge and further delay