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FISCAL IMPACT REPORT

SPONSOR	Silva	LAST UPDATED	
		ORIGINAL DATE	2/14/25
SHORT TITLE	Expand Dona Ana Magistrate Riding Circuit	BILL NUMBER	House Bill 188
		ANALYST	Chavez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
3 rd District Court	No fiscal impact	At least \$4,000.0	No fiscal impact	At least \$4,000.0	Nonrecurring	General Fund
3 rd District Court	No fiscal impact	At least \$500.0	At least \$300.0	At least \$800.0	Recurring	General Fund
Total	No fiscal impact	At least \$4,500	At least \$300.0	At least \$4,800.0	Recurring	General Fund

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

Relates to House Bills 144 and 352.

Sources of Information

LFC Files

Agency Analysis Received From
 Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of House Bill 188

House Bill 188 (HB188) would amend section 35-1-10 NMSA 1978 to require the magistrate court in Dona Ana County to ride circuit to Sunland Park and Chaparral on a regularly scheduled basis.

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 Administrative Office of the Courts (AOC) points out that HB352 contains no appropriations and does not have a delayed effective date. The judiciary follows a Unified Budget process, and the fiscal year 2026 budget does not include capital, supplemental, or operating funds for expanding circuit court services to Sunland Park or Chaparral. Additionally,

as of 1/31/25 (the date AOC provided analysis), there are no commercially suitable properties available for purchase or lease in those areas. AOC asserts that, without site inspections, it remains unclear whether a suitable lease option could be secured. Establishing a new court facility would require a minimum of \$4 million in capital outlay for building a new facility and at least \$500 thousand in increased operating funds for the 3rd Judicial District to cover staff, equipment, materials, and educate justice partners and the public about the new court location. The annual operating cost of the new court location would be at least \$300 thousand, with additional lease expenses if the judiciary does not own the building.

SIGNIFICANT ISSUES

AOC provides the following:

If this bill becomes law, it would require the Dona Ana County Magistrate Court to begin riding circuit to both locations on June 20, 2025. Even if the bill were amended and provided adequate appropriations to build and staff the new courthouse, there are multiple facilities projects underway that take precedence due to the caseload or safety concerns with the current locations. The soonest that this project could be completed is the end of fiscal year 2031.

AOC currently has a funded project to purchase land and construct a magistrate court in Anthony, New Mexico. This is part of a larger project designed to serve the access to justice needs of southern Dona Ana County.

AOC also notes:

“Riding circuit” refers to the practice of a judge traveling to a court on a regularly scheduled basis. Although a judge will not be present at the circuit court every day, New Mexico does not have part time magistrate courts. All circuit courts are open to the public for a minimum 40 hours per week. Without a workload study, it is impossible to know whether the seven existing magistrates are sufficient to operate a circuit court.

The court location where the cases are filed is not driven by the address of litigants, it is driven by the location where prosecutors or plaintiffs choose to file charging documents. Without a study of law enforcement in the area, it is unknown whether any cases under state jurisdiction would be filed in Sunland Park, which is currently served by a municipal court. Law enforcement agencies in Dona Ana County are unlikely to file in either location over the busier courts in Las Cruces and Anthony.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to House Bill 144 (HB144), which HB144 would have the Otero County Magistrate Court establish a riding circuit to Chaparral.

This bill also relates to House Bill 352 (HB352) would restructure various magistrate courts in the state by closing, relocating, or modifying operations in several judicial districts which would affect magistrate courts or magistrate circuit courts in Dona Ana County.

OTHER SUBSTANTIVE ISSUES

AOC provides the following:

The magistrate judges are in the middle of their terms and were elected by Dona Ana County to preside in the Las Cruces and ride circuit to the Anthony courthouse. Changing the seat where they preside in the middle of a term is ill-advised.

ALTERNATIVES

AOC provides the following:

AOC and the 3rd Judicial District recommend the use of a justice station in lieu of circuit courts. Further, the AOC recommends that workload and usage studies should precede the creation of a new court.

FC/hj/SL2