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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	<u>Herrera/Sanchez/Jaramillo</u>	<b>LAST UPDATED</b>	<u>3/7/25</u>
		<b>ORIGINAL DATE</b>	<u>2/25/25</u>
	Close and Relocate Certain Magistrate	<b>BILL</b>	<u>House Bill</u>
<b>SHORT TITLE</b>	<u>Courts</u>	<b>NUMBER</b>	<u>352/aHJC</u>
		<b>ANALYST</b>	<u>Chavez</u>

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

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Courts	No fiscal impact	At least (\$12.2)	At least (\$93.8)	At least (\$93.8)	Recurring	General Fund
District Attorneys	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
LOPD	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

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

Relates to House Bill 144  
 Conflicts with House Bill 188

### Sources of Information

LFC Files

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

Agency Analysis was Solicited but Not Received From  
 New Mexico Municipal League (ML)

## SUMMARY

### Synopsis of HJC Amendment to House Bill 352

The House Judiciary Committee (HJC) amendment to House Bill 352 removes the mention of “districts” from the bill’s title. The amendment strikes Section 2, which would have amended Section 35-1-12 NMSA 1978 to eliminate the magistrate court in Bayard and consolidate Divisions 1 and 2 in Silver City, beginning on January 1, 2027. The amendment also strikes Section 6, which would have amended Section 35-1-27 NMSA 1978 to consolidate the San Juan magistrate division into one location in Aztec, beginning on January 1, 2027. The final amendment by HJC rennumbers sections to correspond to the amendments.

## Synopsis of House Bill 352

House Bill 352 (HB352) would restructure various magistrate courts in the state by closing, relocating, or modifying operations in several judicial districts. HB352 would amend:

- Section 35-1-10 NMSA 1978 to eliminate the circuit magistrate court in Hatch.
- Section 35-1-12 NMSA 1978 to eliminate the magistrate court in Bayard and consolidate Divisions 1 and 2 in Silver City, beginning on January 1, 2027.
- Section 35-1-16 NMSA 1978 to eliminate the circuit magistrate court in Jal and have the magistrate court in Eunice ride circuit to Hobbs as needed.
- Section 35-1-20 NMSA 1978 to eliminate the magistrate circuit court in Thoreau.
- Section 35-1-24 NMSA 1978 to move the circuit magistrate court from Chama to Tierra Amarilla, as needed, beginning on January 1, 2027.
- Section 35-1-27 NMSA 1978 to consolidate the San Juan magistrate division into one location in Aztec, beginning on January 1, 2027.
- Section 35-1-29 NMSA 1978 to eliminate the circuit magistrate court in Pojoaque.
- Section 35-1-33 NMSA 1978 to eliminate the circuit magistrate court in Estancia.

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) provides the following:

### Annual Cost by Location

Location	Landlord	FY 2025	FY 2026	FY 2027
Chama	Santa Barbara Builders	\$64,089.96	\$79,170.00	\$81,545.10
Hatch	Village of Hatch	\$7,200.00	\$7,200.00	\$7,200.00
Jal	City of Jal	\$5,040.00	\$5,040.00	\$5,040.00
Pojoaque	None	\$0	\$0	\$0
Thoreau	None	\$0	\$0	\$0
Estancia	None	\$0	\$0	\$0

This legislation contains no appropriations. Removing Pojoaque, Thoreau, and Estancia circuit courts will have no fiscal impact because those locations have no physical location and have not been in operation for several years. Closing the Jal and Hatch locations will reduce the lease costs for the Judiciary in addition to savings recognized in employee travel, repairs, furniture, and maintenance.

Moving the Chama court to Tierra Amarilla will allow the district and magistrate courts to operate in a single building through a cooperative effort between the judiciary and Rio Arriba County.

There will be no impact on the number of magistrate judges or judiciary personnel.

The estimated additional operating budget impact reflects the lease costs savings from the closure of the circuit magistrate court in Hatch and the circuit magistrate court in Jal for FY26.

The two locations will be the only savings since the rest of the affected magistrate court or circuit courts will not come into effect until FY27. The value listed under FY27 reflects the total savings from HB352 on the judiciary.

The Law Offices of the Public Defender (LOPD) points out that their clients may face more bench warrants which could affect attorney caseloads to some degree, unless adjustments are made to allow clients to appear remotely or to address travel problems. However, there could be some savings for public defenders by reducing travel time to the circuit courts. The same can be said for district attorney’s offices since, if there are adjustments to allow remote appearances, HB352 will lessen administrative burden by closing magistrate courts and providing savings in travel time. Because both agencies may face operating expenses that can be mitigated through possible rule changes and cost savings from travel; therefore, this analysis assumes the fiscal impacts to these agencies cost are indeterminate but minimal.

### SIGNIFICANT ISSUES

AOC provides the following:

This legislation is focused on reorganizing the judicial infrastructure in New Mexico to improve use of resources and improving access to justice.

Eliminating the non-operational courts in Pojoaque, Thoreau, and Estancia has no impact on the public or the judiciary. Closing underutilized locations will directly reduce costs that can be used on other efforts aimed at improving access to justice. These efforts can include justice station placement and expanded hours of operation. Relocating courts to more centralized locations across the state eliminates confusion among the public and pools resources for greater efficiency.

Chama, Hatch, and Jal often have one employee working alone. This is a security concern for these employees and the public. Additionally, if the single employee is ill, attends training, or takes a vacation, these locations will either close to the public or the district will have to send an employee from another location.

**Total Cases Filed by Fiscal Year**

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>Hatch</b>	18	51	17	33	16	27	14	13	22
<b>Jal</b>	74	86	123	93	91	143	142	70	61
<b>Chama</b>	685	836	694	380	438	339	341	417	460
<b>Pojoaque</b>	0	0	0	0	0	0	0	0	0
<b>Estancia</b>	0	0	0	0	0	0	0	0	0

LOPD provides the following:

LOPD is concerned closing or moving magistrate courts that serve remote indigent clients will result in further hardships for them. These clients already face the expense and difficulty of getting to court; moving them further away may result in more bench warrants and additional hardship on clients.

Some of the locations in which courts reside or to which magistrates currently ride circuit are a notable distance from each other and are in counties with a large geographic size:

- Espanola to Chama: 81 miles (Rio Arriba county size: 5,896 square miles);
- Espanola to Tierra Amarilla: 66 miles (Rio Arriba county size: 5,896 square miles);
- Las Cruces to Hatch: 44 miles (Dona Ana county size: 3,814 square miles);
- Gallup to Thoreau: 33 miles (McKinley county size: 5,455 square miles); and
- Eunice to Jal: 24 miles (Lea county size: 4,394 square miles).

Other locations are not as far apart, but for clients with unreliable transportation or working much-needed jobs or family care-taking near their homes may still face significant challenges to travel to courts further away:

- Pojoaque to Santa Fe: 19 miles (Santa Fe county size: 1,911 square miles);
- Estancia to Moriarty: 16 miles (Torrance county size: 3,346 square miles); and

Additionally, although some magistrate courts have extremely low case counts year-over-year, more centralized magistrate courts may lose community-focused nuance.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The New Mexico Attorney General notes the following bills relate to or conflict with HB352:

HB144 establishes a riding circuit to Chaparral, alternating between the two magistrates in Alamogordo. HB144 would have a circuit from Otero magistrate district to Chaparral, and HB352 would have a circuit from Dona Ana magistrate district to Chaparral.

HB188 expands the seven magistrates in Dona Ana magistrate district to rotate riding circuit to Anthony, Sunland Park, Chaparral, and Hatch. This would conflict with HB352 because HB352 provides that magistrates would regularly ride circuit only to Anthony and no longer to Hatch.