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FISCAL IMPACT REPORT

SPONSOR Sedillo Lopez/Charley/Nava **LAST UPDATED** _____
ORIGINAL DATE 3/11/2025
SHORT TITLE Child & Domestic Abuse Training for **BILL** _____
Courts **NUMBER** Senate Bill 441
ANALYST Hernandez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	See Fiscal Implications					

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)

Office of Family Representation and Advocacy (OFRA)

Children, Youth, and Families Department (CYFD)

Agency Analysis was Solicited but Not Received From

Crime Victims Reparation Commission

SUMMARY

Synopsis of Senate Bill 441

Senate Bill 441 (SB441) requires all judges and judiciary staff in the state of New Mexico to undergo annual evidence-based training regarding child and domestic abuse. 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

AOC notes new laws require the agency update, distribute, and document the changes. Additionally, the office would incur costs associated with providing the training to all judges and judiciary staff. However, as discussed under “Significant Issues,” AOC notes constitutionality concerns that could result in the office deciding not to implement SB441 and the potential of litigation, a cost not assessed here.

SIGNIFICANT ISSUES

AOC highlights the separation of powers among the branches of government in its analysis of SB441, arguing it is “contrary” for the Legislature to dictate “when and what topics of which the judiciary shall be trained.” From the office:

Under the Constitution, the Legislature lacks the power to prescribe by statute rules of practice and procedure, although it has in the past attempted to do so. Certainly, statutes purporting to regulate practice and procedure in the courts cannot be made binding, for the constitutional power is vested exclusively in this court.

AOC notes judicial education is regulated by the Rules Governing Judicial Education, Rules 25-101 through 25-104 [of the court procedural rules], and the Supreme Court is responsible for promulgating the rules of practice and procedure that govern court proceedings and the internal operations of the New Mexico Judiciary, as seen in *State ex rel. Anaya v. McBride*, 1975-NMSC-032, which held:

Our constitutional power under [Article III, Section 1, and Article IV, Section 3, of the New Mexico Constitution] of superintending control over all inferior courts carries with it the inherent power to regulate all pleading, practice and procedure affecting the judicial branch of government. *State v. Roy*, 40 N.M. 397, 60 P.2d 646 (1936). See also *Alexander v. Delgado*, 84 N.M. 717, 507 P.2d 778 (1973); *Sitta v. Zinn*, 77 N.M. 146, 420 P.2d 131 (1966); *State v. Arnold*, 51 N.M. 311, 183 P.2d 845 (1947); *City of Roswell v. Holmes*, 44 N.M. 1, 96 P.2d 701 (1939); cf. *State v. Gunzelman*, 85 N.M. 295, 512 P.2d 55 (1973).

AEH/hj/hg