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## FISCAL IMPACT REPORT

SPONSOR: Saavedra DATE TYPED: 02/07/01 HB 215  
 SHORT TITLE: Additional Judgeships SB \_\_\_\_\_  
 ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 4,591.3			Recurring*	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in The General Appropriation Act HB443, SB130, SB170, SB194, SB197, SB278, SB279 and SJR6

### SOURCES OF INFORMATION

- LFC files
- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Public Defender Department (PDD)
- Bernalillo County Metropolitan Court (BCMC)

### SUMMARY

#### Synopsis of Bill

The additional judgeship bill appropriates \$4,591.3 from the general fund to various courts and related agencies in order to create and provide funding for five district court judgeships, two metropolitan court judgeships and four magistrate court judgeships in the following locations: one new judgeship in the Third Judicial District Court, one new judgeship in the Sixth Judicial District Court, two new judgeships in the Eleventh Judicial District Court, one new judgeship in the Thirteenth Judicial District Court, two new judgeships for BCMC, one additional magistrate judgeship in Chavez County, two new magistrate judgeships in Dona Ana County and one additional magistrate judgeship in Santa Fe County (see table on page 2).

The district and metropolitan court judgeships are filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico, and their terms shall begin on July 1, 2001. The magistrate judgeships will also be filled by the governor to begin serving on July 1, 2001, and shall serve until their successors have been elected in the 2002 general election and qualified.

The bill provides appropriations for salaries and benefits, supplies, furniture and equipment for the additional judges and staff. There is also an appropriation in each of the respective areas affected by these additional judgeships for the District Attorneys and Public Defenders.

The effective date of the provisions of HB215 is July 1, 2001.

**JUDGESHIPS AND RELATED APPROPRIATIONS**

Judgeships	Appropriation to Court	Appropriation to District Attorney	Appropriation to Public Defender	Total
3 <sup>rd</sup> Judicial (1 judge)	\$271.4	\$193.7	\$200.2	665.3
6 <sup>th</sup> Judicial (1 judge)	271.4	151.0	50.0	472.4
11 <sup>th</sup> Judicial (2 judges)	542.8	120.6	185.2	848.6
13 <sup>th</sup> Judicial (1 judge)	271.4	99.4	60.0	430.8
Metro Court (2 judges)	516.4	156.5	308.8	981.7
Magistrate Chaves (1 judge)	94.4	75.4	87.1	256.9
Magistrate Dona Ana (2 judges)	188.7	245.4	235.5	669.6
Magistrate - Santa Fe (1 judge)	94.4	76.6	95.0	266.0
<b>Totals:</b>	<b>\$2,250.90</b>	<b>\$1,118.60</b>	<b>\$1,221.80</b>	<b>\$4,591.30</b>

Significant Issues

This bill embodies the policy that the Legislature requested and the Chief Judges Council has followed for the past four years in presenting judgeship requests as included and endorsed in the *Judiciary's Unified Budget*. In addition, the courts notified the District Attorneys' and Public Defenders' offices of the caseload and judgeship request so that those agencies had an opportunity to assess and report their respective impacts.

In 1998, the AOC completed and updated an expanded study to provide the Legislature with a methodology for determining the needs for additional judgeships – the Weighted Caseload Study. The study assigns a weight for each type of case heard in a court. The weight represents the average amount of judge's time, expressed in minutes, that is necessary to process a case of that type. Each weight is multiplied by the number of new cases filed per category.

## **House Bill 215 -- Page 3**

The Chief Judges Council reviewed all district, metropolitan and magistrate judgeship requests statewide and considered both the need as determined by the Weighted Caseload Study as well as additional narrative and testimonial information from those jurisdictions. In summary, the council voted to support the judgeships as requested in this bill.

An additional table is attached denoting weighted caseload analyses.

### **FISCAL IMPLICATIONS**

\*The appropriation of \$4,591.3 contained in this bill is an expense to the general fund. The amount that is recurring versus non-recurring have not yet been established. The non-recurring portion would be that which covers one-time capital expenditures such as furniture and equipment. Each agency receiving an appropriation will need to calculate such costs.

The AOC has a "standard positions costs" table for which standardized amounts per position, such as operating costs or equipment costs, are already established. Consistent application of these standardized costs for all agencies receiving appropriations in this bill should be utilized for calculating the recurring and non-recurring portions.

Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

### **ADMINISTRATIVE IMPLICATIONS**

The courts noted for appropriation have significant caseload per judgeship and as a result, are experiencing backlogs, plus significant delays in hearing and disposition of both criminal and civil cases. If HB215 is enacted, the long-term effect on the court would be more efficient and expeditious disposal of cases.

On the other hand, creation of additional judgeships hearing criminal cases directly impacts the Public Defender Department and District Attorneys. Representation and prosecution correlate to adequate staffing and should accompany any increase in judgeships. In effect, this bill takes into account the entire criminal justice system and provides funding for each of the agencies involved in the court processes.

### **CONFLICT/DUPLICATION/RELATIONSHIP**

Additional bills and memorials related to HB215 are listed on page 1 of this analysis. In general, these other Senate and House bills are requests for individual court appropriations either duplicating or conflicting with HB215.

SJR6 is related to judgeships in that it proposes to eliminate the selection and retention of justices and judges and instead, to provide for their election.

### **TECHNICAL ISSUES**

In Section 11, the bill appropriates funds for "support staff." The specific number of full-time equivalents (FTE) for each court needs to be specified in the bill.

**House Bill 215 -- Page 4**

As noted in fiscal implications section of this analysis, information needs to be provided regarding how much of this appropriation is recurring (for salaries, benefits and operating costs) and how much is non-recurring (capital acquisitions).

CMH/njw:ar