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FISCAL IMPACT REPORT

SPONSOR: Snyder DATE TYPED: 03/01/01 HB _____
 SHORT TITLE: Additional Bernalillo Metro Court Judges SB 643/aSJC
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 936.4			Recurring*	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SJR6, SB445, SB238, HB433 and HB215

SOURCES OF INFORMATION

LFC Budget Files
 Administrative Office of the Courts (AOC)
 Bernalillo County Metropolitan Court (BCMC)
 Public Defender Department (PDD)

SUMMARY

Synopsis of SJC Amendment

In the Senate Judiciary Committee amendment, certain language is replaced and broadened to state that the Chief Judge at Bernalillo County Metropolitan Court can assign “domestic violence cases among [all] the judges” to ensure that such cases are heard expeditiously. This replaces the bill’s original proposal that the two new judgeships being requested would be designated solely to hear domestic violence cases.

Secondly, the appropriation amount to the Second Judicial District Attorney is increased from \$156.5 to \$263.5 for additional staff, supplies, furniture and equipment.

The third change to SB643 decreases the appropriation amount to the Public Defender Department from \$308.8 to \$156.5 for attorneys, staff, supplies, furniture and equipment.

The amended fiscal impact is an appropriation of \$936.4 from the general fund.

Synopsis of Original Bill

Senate Bill 643/aSJC -- Page 2

SB643 appropriates \$981.7 from the general fund to BCMC, the Public Defender Department and to the Second Judicial District Attorney for the purpose of increasing the number of metropolitan judgeships at the court to hear domestic violence cases and to increase the number of attorneys and staff at the public defender's and district attorney's office Albuquerque handling these types of cases.

Section 34-8A-8 NMSA 1978 is amended to state that "there shall be eighteen (18) judges" at BCMC instead of sixteen. Furthermore, new subsection D specifically indicates that "the chief judge [at BCMC] shall assign two judges to hear domestic violence cases."

The additional BCMC judges provided for in this bill will be filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico whose terms will begin on July 1, 2001.

Significant Issues

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, expressed in minutes, represents the average amount of judge's time necessary to process a case of that type. Each weight is multiplied by the number of new cases filed per category.

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. The Weighted Caseload Study shows a need at the Bernalillo County Metropolitan Court for **1.67** additional judges (see attachment). The council voted to support the two requested criminal court Metropolitan Court judgeships.

The funding of Metropolitan Court judge positions for the purpose of hearing domestic violence cases is not within the Judiciary Unified Budget. BCMC's need is for two criminal judges. According to BCMC, it would be more efficient and beneficial if the criminal judges continued to hear these cases rather than two judges being specifically assigned to hear domestic violence cases.

FISCAL IMPLICATIONS

The appropriation of \$981.7 contained in this bill is a recurring expense* to the general fund. Any unexpended or unencumbered balance remaining at the end of 2002 shall revert to the general fund.

The following table summarizes the appropriations in SB643.

Table 1. JUDGESHIP AND RELATED APPROPRIATIONS

Judgeships	Appropriation to BCMC	Appropriation to District Attorney	Appropriation to Public Defender	Total
Bernalillo County Metro Court (2 judges)	516.4	156.5	308.8	981.7

ADMINISTRATIVE IMPLICATIONS

If adopted, this proposal would be in conflict with New Mexico Supreme Court Rules which provide that the court’s Chief Judge should equitably apportion assignments of various other types of cases (e.g., traffic offenses) among all the judges who hear misdemeanor cases. See: New Mexico Supreme Court General Rule 23-109 B(10) and Metro. Ct. Crim. Proc. Rule 7-105 (A).

The Court’s overall performance in expeditiously and effectively adjudicating cases would be better served by adding additional judges who would be assigned by the court’s Chief Judge to handle various cases, consistent with ongoing caseload developments and jurisdictional demands of the overall Court.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

HB215, referred to as the “judgeship” contains these two additional judgeship for BCMC and at the same funding level. All judgeship supported by the Judiciary Unified Budget are uniformly presented in HB215. It is suggested to yield to the statewide judgeship bill for such judgeship expansion requests.

TECHNICAL ISSUES

*Part of the \$981.7 appropriation is for capital outlay, such as furniture and equipment. This amount needs to be identified as non-recurring.

POSSIBLE QUESTIONS

1. Why are 2 judgeships being requested whose duties would be limited to hearing domestic violence cases?

CMH/njw:sb:ar
Attachment