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FISCAL IMPACT REPORT

SPONSOR:	Aragon	DATE TYPED:	01/30/02	HB		
SHORT TITLE	E: Magistrate Co	urt Judgeship Changes		SB	4	
			ANALY	/ST:	Hayes	

APPROPRIATION

Approp	riation Contained	Estimated	l Additional Impact	Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$278.0			Recurring**	General Fund
			(\$900.9)	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in The General Appropriation Act Section 4, Magistrate Court Program

Duplicates SB55

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC) Public Defender Department (PDD) Judiciary *Unified Budget* LFC files

SUMMARY

Synopsis of Bill

I. A. Senate Bill 4 amends various subsections of Section 35 NMSA 1978 to eliminate a magistrate judgeship each from Colfax, Eddy, Grant, Lincoln, and Taos counties as well as two (2) magistrate judgeships from Lea county.

B. This bill also proposes to abolish the following circuit courts effective July 1, 2002:

Colfax - Cimarron circuit Guadalupe - Vaughn circuit McKinley - Thoreau circuit Quay - San Jon circuit Santa Fe - Pojoaque circuit Taos - Questa circuit Torrance - Estancia circuit

C. In addition, the bill abolishes or converts the following circuits or courts on January 1, 2003:

Colfax - Springer court becomes a circuit court Eddy - Artesia court becomes a circuit court Grant - Bayard court abolished Lea - Tatum & Eunice abolished Jal - circuit court closed Carrizozo court becomes circuit.

II. Senate Bill 4 also amends Section 35-1-29 NMSA 1978 to create and provide for an appropriation to the Administrative Office of the Courts (AOC) for an additional judgeship in the Santa Fe magistrate district.

The magistrate court judgeships are filled by appointment by the governor and serve until their successors have been elected and qualified in the next general election in 2002. The elected magistrates' term of office will begin on January 1, 2003.

The bill provides appropriations for salaries and benefits, supplies, furniture and equipment for the new judgeship in Santa Fe. Moreover, a portion of the appropriation is for the District Attorneys and Public Defenders in the First District since they are affected by the additional judgeship. The act contains an emergency clause so that provisions of this bill become effective immediately.

Significant Issues

- The addition, abolishment and rearrangement of magistrate courts is in direct response to workload, demand for services and caseload equity.
- In 1998, the AOC completed a study to provide the Legislature with a standardized methodology for determining the needs for additional judgeships – the Weighted Caseload Study. The study assigns a weight for each type of case heard in 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. Each fiscal year, caseload information is updated to reflect current court workloads. The results of the 2001 Weighted Caseload Study, prepared by the AOC, are attached to this analysis (Attachment A).
- While there would be a net savings to the general fund by these court closures and elimination of judgeships, there may be an impact on the public and law enforcement officers who may have to travel additional miles to appear in court or may appear in a busy circuit court which the judge can only attend one or two days per week. (See the column marked "miles to nearest open court" on top right-hand corner of Attachment B entitled "Court Expenses."

Similarly, while two full-time judges in Lincoln and Grant county may not be statistically justified, a single judge in those counties will now have a judge need of .19, and .39, respec-

Senate Bill 4 -- Page 3

tively, in their county immediately (according to the Weighted Caseload Study) and will also need to cover at least one additional location. While Eddy and Colfax counties may not statistically have a need for a judge immediately with the removal of a judgeship, the geographical travel requirements create an additional burden on these judges.

FISCAL IMPLICATIONS

**Of the appropriation of \$278.0 contained in this bill, \$242.0 is a recurring expense to the general fund, and \$36.0 is non-recurring. Any unexpended or unencumbered balance remaining at the end of FY03 shall revert to the general fund.

Below is a table outlining the appropriations' distribution by agency.

JudgeshipsAppropriationAppropriationto Courtto District Ato reactionto reaction	At- to Public De-	Total
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Magistrate –	99.1	75.9	103.0	278.0
Santa Fe (one				
judgeship)				

By abolishing 14 magistrate courts and circuits, there will be a savings to the general fund totaling \$900,941 according to AOC calculations. Attachment B entitled "Court Expenses" itemizes the salary and expenses of each one accordingly. The net general fund savings would be \$622.9.

DUPLICATION/RELATIONSHIP

This bill duplicates Senate Bill 55 in regards to requesting an appropriation to fund a judgeship for the Santa Fe magistrate court.

Funding for these courts being eliminated is currently included in the HAFC substitute for House Bill 2, 3, 4, 5 and 6.

POSSIBLE QUESTIONS

1. How will the elimination of certain judgeships affect the general elections for those districts? Will residency or representation issues surface as a result of the provisions of this act ?

2. What will be the average caseload per judge after all of the magistrate court changes take place?

3. Discuss how the magistrate courts will take advantage of/increase the utilization of video arraignments in rural areas or in those towns where courts or judges or circuits were eliminated. How will video arraignments help ? hurt? What is the current status of the video arraignment project ?

CMH/njw Attachments

Magistrate Court 2001 Caseload and Cost Data

County & Court	City	Populaton By County	New Case File 6/1/00- 5/31/01	Total Court Cost	Cost per Case	No. Judges	Judges Needed per weighted caseload	Difference +/	No. Cases per Judge	Present No. of Clerks	Clerks needed per workload study	New Filings per Clerk
Catron I	*Reserve / Quemado CC		449	· · · ·	423	1			449	2	0.6	225
Catron County		3,543		189,828	423	1	0.15	0.85	449	2	0.6	225
	Roswell		6189	539,869	87	2			3095	8.5	8.6	728
Chaves County		61,382		539,869	87	2	2.24	-0.24	3095	8.5	8.6	728
	Grants		4680	357,591	76	2			2340	5	6.1	936
Cibola County		25,595		357,591	76	2	1.48	0.52	2340	5	6.1	936
Colfax I	*Raton		1462	163,562	112	1			1462	2	1.8	731
	Springer / Cimarron CC		1438	199,429	139	1			1438	2	1.6	719
Colfax County		14,189		361,553	125	2	0.79	1.21	1450	4	3.4	725
Curry I & II	Clovis		5470	451,825	83	2			2735	6.5	7.2	842
Curry County		45,044		451,825	83	2	1.98	0.02	2735	6.5	7.2	842
De Baca I	Ft. Sumner		603	130,236	216	1			603	1	0.7	603
De Baca County		2,240	603	130,236	216	1	0.16	0.84	603	1	0.7	603
Dona Ana I, II, III, & IV	*Las Cruces / Anthony CC / Hatch CC		17643	1,182,991	67	5			3529	18.5	21.2	954
Dona Ana County		174,682	17643	1,182,991	67	5	5.24	-0.24	3529	18.5	21.2	954
Eddy I & II	*Carlsbad		3273	459,285	140	2			1637	4.5	2.2	727
Eddy III	Artesia		1709	182,799	107	1			1709	2	4.4	855
Eddy County		51,658	4982	642,085	129	3	1.68	1.32	1661	6.5	6.6	766
Grant I	*Silver City		3294	277,324	84	1			3294	3.5	4.3	941
Grant II	Bayard		1372	227,706	166	1			1372	2.5	1.6	549
Grant County		31,002	4666	505,030	108	2	1.39	0.61	2333	6	5.9	778
Guadalupe I	*Santa Rosa / Vaughn CC		1564	274,002	175	1			1564	2.5	1.8	626
Guadalupe County		4,680	1564	274,002	175	1	0.4	0.6	1564	2.5	1.8	626
Harding I	Roy		293	132,554	452	1			293	0.5	0.3	586
Harding County		810	293	132,554	452	1	0.06	0.94	293	0.5	0.3	586
Hidalgo I	Lordsburg		2868	262,200	91	1			2868	3	3.1	956
Hidalgo County	•	5,932	2868	262,200	91	1	0.7	0.3	2868	3	3.1	956
Lea I	Lovington		1443	222,452	154	1			1443	3	1.9	481
Lea II & V	*Hobbs		2575	465,631	181	2			1288	5.5	3.4	468
Lea III	Eunice / Jal CC		511	181,107	354	1			511	1.5	0.6	341
Lea IV	Tatum		85	130,576	1,536	1			85		0.1	85
Lea County		55,511	4614	999,766	217	5	1.57	3.43	923	11	6	419
Lincoln I	Carrizozo		953	160,547	168	1			953	1.5	1.3	635

Magistrate Court 2001 Caseload and Cost Data

County & Court	City	Populaton By County	New Case File 6/1/00- 5/31/01	Total Court Cost	Cost per Case	No. Judges	Judges Needed per weighted caseload	Difference +/	No. Cases per Judge	Present No. of Clerks	Clerks needed per workload study	New Filings per Clerk
Lincoln II	*Ruidoso		2549	265,622	104	1			2549	3	3.4	850
Lincoln County		19,411		426,170	122	2	1.19	0.81	1751	4.5	4.7	778
Los Alamos I	Los Alamos		297	150,000	505	1			297	1	0.5	297
Los Alamos County		18,343		150,000	505	1	0.12	0.88	297	1	0.5	297
	Deming		3617	260,097	72	1			3617	3.5	4.3	1033
Luna County		25,016	3617	260,097	72	1	1.06	-0.06	3617	3.5	4.3	1033
McKinley I & II	*Gallup / **Thoreau CC		10396	758,656	73	3			3465		14	904
McKinley County		74,798	10396	758,656	73	3	3.81	-0.81	3465	11.5	14	904
Mora I	Mora		1293	182,186	141	1			1293	1.5	1.5	862
Mora County		5,180		182,186	141	1	0.34	0.66	1293	1.5	1.5	862
Otero I & II	Alamogordo		5516	473,354	86	2			2758	7	7.8	788
Otero County		62,298	5516	473,354	86	2	2.05	-0.05	2758	7	7.8	788
Quay I	*Tucumcari / San Jon CC		4229	386,699	91	1			4229	6	5.4	705
Quay County		10,155	4229	386,699	91	1	1.21	-0.21	4229	6	5.4	705
Rio Arriba I & II	*Espanola / Chama CC		4427	463,346	105	2			2214	6	5.8	738
Rio Arriba County		41,190	4427	463,346	105	2	1.43	0.57	2214	6	5.8	738
Roosevelt I	*Portales		2756	322,582	117	1			2756	5	3.7	551
Roosevelt County		18,018	2756	322,582	117	1	0.92	0.08	2756	5	3.7	551
Sandoval I	Bernalillo		3435	290,772	85	1			3435	3.5	4.5	981
Sandoval II	Cuba		2343	213,689	91	1			2343	2.5	2.5	937
Sandoval County		89,908	5778	504,461	87	2	1.8	0.2	2889	6	7	963
	Aztec		7113	608,061	85	2			3557	7.5	9	948
San Juan II & III	*Farmington		7204	560,820	78	2			3602	8	9.2	901
San Juan County		113,801	14317	1,168,881	82	4	4.87	-0.87	3579	15.5	18.2	924
San Miguel I & II	Las Vegas		4830	428,655	89	2			2415		6.1	743
San Miguel County		30,126	4830	428,655	89	2	1.48	0.52	2415	6.5	6.1	743
Santa Fe I, II, & III	*Santa Fe Pojoaque CC		13694	1,099,068	80	3			4565	15.5	16.8	883
Santa Fe County		129,292	13694	1,099,068	80	3	4.23	-1.23	4565	15.5	16.8	883
Sierra I	T or C		2653	348,804	131	1			2653	5	3.4	531
Sierra County		13,270	2653	348,804	131	1	0.78	0.22	2653	5	3.4	531
Socorro I	Socorro		3,831	295,886	77	1			3831	4	5	958
Socorro County		18,078	3,831	295,886	77	1	1.18	-0.18	3831	4	5	958
Taos I	*Taos / Questa CC		3710	541,779	146	2			1855	5.5	4.8	675

Magistrate Court 2001 Caseload and Cost Data

County & Court	City		New Case File 6/1/00- 5/31/01	Total Court Cost	Cost per Case	No. Judges	Judges Needed per weighted caseload		No. Cases	Present No. of Clerks	Clerks needed per workload study	New Filings per Clerk
Taos County		29,979	3710	541,779	146	2	1.21	0.79	1855	5.5	4.8	675
Torrance I	*Moriarty / Estancia CC		3204	291,575	91	1			3204	4	3.9	801
Torrance County		16,911	3204	291,575	91	1	0.93	0.07	3204	4	3.9	801
Union	Clayton		1446	180,746	125	1			1446	1.5	1.6	964
Union County		4,174	1446	180,746	125	1	0.37	0.63	1446	1.5	1.6	964
Valencia I & II	Los Lunas		2961	422,924	143	2			1481	5.5	5.9	538
Valencia III	*Belen		4327	261,678	60	1			4327	4	4.3	1082
Valencia County		66,152	7288	684,602	94	3	2.71	0.29	2429	9.5	10.2	767
TOTALS / AVERAGES		1,262,368	153,705	14,997,076.68	98	62	50	12	2479	194	196	792

* = Largest City in County

** = Thoreau judge 1/3 of Gallup caseload

COURT EXPENSES

CIRCUITS TO BE ABOLISHED

COUNTY	CITY	CASELOAD	RENT	LEASE	*A\	/G ANNUAL	** A	VG ANNUAL	DAT	A/TELECOM	
			FY 03	EXPIRES	OF	ER COSTS	Т	RAVEL EXP	Ε	XPENSES	TOTALS
COLFAX CC	CIMARRON	425	\$ 9,369.87	6/30/00	\$	7,300.00	\$	650.00	\$	3,414.00	\$ 20,733.87
GUADALUPE CC	VAUGHN	104	\$ 22,222.56	6/30/13	\$	6,700.00	\$	222.00	\$	4,840.32	\$ 33,984.88
LEA V	JAL	112	\$ 5,672.56	MO-MO	\$	8,100.00	\$	1,144.00	\$	6,451.80	\$ 14,916.56
MCKINLEY III	THOREAU	103	\$ 3,819.24	11/30/04	\$	7,800.00	\$	884.00	\$	1,233.00	\$ 13,736.24
QUAY CC	SAN JON	0	\$ 4,051.83	6/30/99		\$0.00		\$0.00		\$0.00	\$ 4,051.83
SANTA FE CC	POJOAQUE	752	\$ 10,263.36	MO-MO	\$	9,800.00	\$	1,248.00	\$	1,233.00	\$ 22,544.36
TORRANCE CC	ESTANCIA	201	\$ 17,902.69	MO-MO	\$	7,800.00	\$	1,768.00	\$	2,980.80	\$ 30,451.49
			\$ 73,302.11		\$	47,500.00	\$	5,916.00	\$	20,152.92	\$ 140,419.23

COURTS TO BE ABOLISHED ALONG WITH A JUDGESHIP

COUNTY	CITY	CASELOAD	RENT	LEASE	*A\	/G ANNUAL	**AVG ANNUAL	DATA/TELECOM	
			FY 03	EXPIRES	OP	ER COSTS	TRAVEL EXP	EXPENSES	TOTALS
COLFAX II	SPRINGER	885	***	***		***	***	***	***
GRANT II	BAYARD	1372	\$ 40,470.74	5/31/06	\$	15,000.00	\$143.00	\$3,642.00	\$ 59,255.74
EDDY III	ARTESIA	1709	***	***		***	***	***	***
LEA III	EUNICE	401	\$ 14,400.00	6/30/02	\$	9,800.00	\$ 1,144.00	\$ 5,977.56	\$ 31,321.56
LEA IV	TATUM	85	\$ 17,250.00	2/28/05	\$	12,000.00	\$ 572.00	\$ 2,313.72	\$ 32,135.72
LINCOLN	CARRIZOZO	953	***	***		***	***	***	***
TAOS CC	QUESTA	710	\$ 13,692.00	10/31/03	\$	12,000.00	\$ 2,340.00	\$ 3,357.00	\$ 28,032.00
			\$ 85,812.74		\$	48,800.00	\$4,199.00	\$15,290.28	\$ 150,745.02

TOTAL COURT EXPENSES

\$ 291,164.25

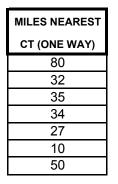
REDUCTION IN GENERAL FUND APPROPRIATION =

* AVG ANNUAL OPER COSTS = TELEPHONE/DATA WIRING EXPENSE, EQUIPMENT LEASE, POSTAGE, SUPPLIES

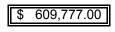
** AVG ANNUAL TRAVEL EXP = JUDGE TRAVEL TO CIRCUIT CT AND BACK EITHER ONCE OR TWICE PER WEEK

***CHANGING COURT TO CIRCUIT - WILL NOT SAVE ON COURT COSTS -- COURT TO REMAIN OPEN FOR BUSINESS

COURT EXPENSES



JU	JUDGESHIPS									
\$	87,111.00									
\$	87,111.00									
\$	87,111.00									
\$	87,111.00									
\$	87,111.00									
\$	87,111.00									
\$	87,111.00									



\$ 900,941.25