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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/23/05

SPONSOR Heaton LAST UPDATED \_\_\_\_\_ HB 35

SHORT TITLE Additional Judgeships in the Fifth District SB \_\_\_\_\_

ANALYST McSherry

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
0	\$627.1	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

House Bill 35 duplicates Senate Bill 102. The bill relates to Senate Bill 148 and to House Bill 61.

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

	FY06	FY07	FY08	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	0	0	5.0-28.0	5.0-28.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files  
Judiciary judgeship request

Responses Received From  
Public Defender Department (PDD)

### SUMMARY

#### Synopsis of Bill

House Bill 35, "Additional Judgeships in the Fifth District," appropriates \$627.132 thousand from the general fund to fifth judicial district court for the purpose of funding two new judgeships and associated staff.

The bill creates the positions by increasing the statutorily set number of judgeships in the fifth judicial district from eight to ten. The new judges would be appointed by the governor and be required to run for the office in the upcoming primary and general elections primary in order to serve an additional term.

## **FISCAL IMPLICATIONS**

The appropriation of \$627.132 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

This bill would fund 2 judges and 3 associated staff with each judgeship; this would result in 8 new positions at the fifth judicial district court. Additional FY08 operating budget impact is assuming benefits, technology and supplies costs for the 8 additional FTE would result in a two hundred to one thousand dollars of additional operational expenses per employee and salary increase in the amount of 1-5 percent (\$4-\$20 thousand) in future years.

## **SIGNIFICANT ISSUES**

There is no appropriation contained in the bill for the Public Defender Department or the district attorney. According to the Public Defender Department, whenever a judge hears criminal cases, the courtroom will need to be staffed by the Public Defender Department and the district attorney to handle the cases. The Public Department estimates, that for each new judge, the Department would need additional funded employees as follows:

- To staff 1 additional district court courtroom (in district where the Department has an office such as the Fifth Judicial District) – 1 attorney and 1 support staff member per courtroom at an annual cost of \$112,500 plus \$5,000 in contract attorney services.
- Using this calculation, the Public Defender Department estimate for new attorneys and staff to adequately cover two new judgeships is \$235,000 per year for attorneys and support staff.

The judiciary judgeship study indicates a need for 3 new judgeships in the 5<sup>th</sup> Judicial District. The District has been ranked as the 1<sup>st</sup> and 3<sup>rd</sup> priorities within the judiciary judgeship priorities.

The judgeship study was completed in 1997; while the weights assigned to each category of case have not been updated, the caseloads for each district were updated to determine relative judgeship need.

The FY06 judgeship request did not include any judgeships for the 5<sup>th</sup> Judicial District, despite the judgeship study's documentation of a need for 3 new judgeships.

## **PERFORMANCE IMPLICATIONS**

The addition of judgeships will reduce the number of caseload for the judges in the 5<sup>th</sup> Judicial District and allow more time to be spent on individual cases.

Additional judgeships without corresponding increases to other criminal justice components could lead to

## **ADMINISTRATIVE IMPLICATIONS**

An additional 8 positions in the 5<sup>th</sup> Judicial District will lead to more workload for administrative oversight in the court.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 35 duplicates Senate Bill 102 and relates to Senate Bill 148 which would create one additional 5<sup>th</sup> District judge rather than two. Other bills propose multiple judgeships: . and Senate Bill.... House Bill 61 creates a judgeship in the 13<sup>th</sup> Judicial District.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The 5<sup>th</sup> Judicial District will not receive additional judgeships and associated staff.

**POSSIBLE QUESTIONS**

1. Why were judgeships for the 5<sup>th</sup> Judicial District not prioritized among the 8 judgeships received in FY06?
2. Is there an established formula between district attorneys, public defenders and the courts which can be used to determine the appropriate balance for these three components of the criminal justice system?
3. What proportion of the amount of the \$627.132 is a one time cost? Can the appropriation be considered partially one-time, as were similar appropriations during the 2005 legislative session?

EM/yr