

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 2/9/09

SPONSOR K. Martinez LAST UPDATED \_\_\_\_\_ HJR 12

SHORT TITLE Judicial Standards Commission Members SB \_\_\_\_\_

ANALYST Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Attorney General's Office (AGO)  
 Bernalillo County Metropolitan Court (BCMC)

### SUMMARY

#### Synopsis of Bill

The Judicial Standards Commission is an independent commission created in 1968 by an amendment to the New Mexico Constitution. The commission investigates allegations of misconduct by judges, conducts hearings, and recommends sanctions to the state Supreme Court.

The membership of the commission is set forth in both the state constitution and Section 34-10-1, and currently includes eleven positions as follows:

- 6 public members, who are qualified voters and are not justices, judges, magistrates, or lawyers
- 2 lawyers
- 2 judges (including justices)
- 1 magistrate

HJR 12 proposed to amend the constitution to add two more positions to the commission, for a total of thirteen members, as follows

- 1 municipal judge
- 1 additional public member, who is a qualified voter and is not a justice, judge, magistrate, or lawyer

Other proposed changes contained in House Joint Resolution 12 include exchanging the word “chairman” for “chair” and altering references to judicial members to state “the justice’s, judge’s or magistrate’s” duties, salary, etc., as opposed to “his” duties, salary, etc.

### **FISCAL IMPLICATIONS**

According to the AOC, the new commission members could incur additional travel and per diem expenses, and the commission could incur additional administrative expenses.

### **SIGNIFICANT ISSUES**

The Judicial Standards Commission is a constitutional body; therefore the state constitution must be amended in order to implement changes to the composition of the commission.

According to the AGO, House Joint Resolution 12 does not raise any significant constitutional or legal concerns other than to propose amendment to the New Mexico Constitution to change the composition of the Judicial Standards Commission. In 1967, upon creation of Article VI, Sec. 32 the Commission was comprised of nine members: 2 justices or judges, 2 lawyers, and 5 citizens. In 1998 the composition of the commission was amended to increase the number of members to eleven commissioners: 2 justices or judges, 1 magistrate judge, 2 lawyers, and 6 citizens. The proposed amendment in House Joint Resolution 12 would create the following composition of thirteen members: 2 justices or judges, 1 magistrate judge, 1 municipal judge, 2 lawyers, and 7 citizens.

### **COMPANIONSHIP,**

HJR 12 is a companion to HB 529, which proposes to update Section 34-10-1 to expand the Commission.

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

Status Quo

CS/mt