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FISCAL IMPACT REPORT

ORIGINAL DATE 02/01/13
 SPONSOR Saavedra LAST UPDATED 02/26/13 HB 303
 SHORT TITLE Additional Judgeships SB _____
 ANALYST Jorgensen

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
None	\$3,547.6	\$3,227.7 Recurring \$319.9 Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$784.8	\$755.8	\$1,540.6	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Public Defender Department (PDD)

Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of Bill

House Bill 303 creates nine additional judgeships as follows: one additional judgeship in the First Judicial District, three additional judgeships in the Second Judicial District, one additional judgeship in the Third Judicial District, one additional judgeship in the Fifth Judicial District, one additional judgeship in the Thirteenth Judicial District, one additional judgeship in the Bernalillo County Metropolitan Court, and one additional judgeship in the Dona Ana magistrate district.

The additional district and metropolitan judgeships shall be filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico.

The additional judgeship in the Dona Ana magistrate district shall be filled by appointment by the governor. The appointed magistrate shall serve starting July 1, 2013 and shall serve until succeeded by a magistrate judge elected at the 2014 general election.

Unused funds remaining at the end of FY2014 shall revert to the general fund. The effective date of HB 303 is July 1, 2013.

FISCAL IMPLICATIONS

HB 303 provides appropriations for salaries and benefits and furniture, supplies and equipment for the additional judges and support staff. The distribution of funds are in the following table:

JUDGESHIP FUNDING	
Judgeships	Amount
1 st Judicial District (one judge & support staff)	\$423,100
2 nd Judicial District (three judges & support staff)	\$1,269,300
3 rd Judicial District (one judge and support staff)	\$423,100
5 th Judicial District (one judge and support staff)	\$423,100
13 th Judicial District (one judge and support staff)	\$423,100
Bernalillo County Metropolitan Court (one judge and support staff)	\$401,200
Dona Ana County Magistrate Court (one judge and support staff), with appropriation to the administrative office of the courts	\$184,700
TOTAL	\$3,547,600

The AOC has stated that of \$319.9 thousand of the total appropriation is non-recurring as it is one-time costs such as furniture, training, and IT and office supply purchases.

The estimated additional operating budget impact table reflects the funding need for District Attorneys (DA's) and the PDD. The estimate is based on two additional attorneys and one additional secretary for both the PDD and DA's for each criminal judgeship. The AOC has stated that two of the judgeships, the Dona Ana County Magistrate Court and Metro Court, will be assigned criminal dockets. The PDD will need four attorneys with an annual salary and benefits package of \$67 thousand and two secretaries with an annual salary and benefit package of \$37.5 thousand. In addition to these costs, the PDD estimates a \$29 thousand one-time cost associated with these positions. The total first year cost to the PDD will be \$372 thousand and \$343 in subsequent years.

The DA's anticipate the a need for two attorneys and a secretary for each additional criminal judgeship. The AODA anticipates the cost of these positions to be \$206.4 thousand per judgeship for a total of \$412.8 thousand.

SIGNIFICANT ISSUES

The New Mexico Sentencing Commission with the assistance of the National Center for State Courts conducted a workload assessment study in 2007 for the judiciary, district attorneys, and public defenders. Based on FY12 case filings, the study's workload calculation indicates the state needs an additional 23 judges statewide. The largest judge shortages were in the Second Judicial District, which the study indicates needs an additional 5.7 judges; the Third Judicial District, which needs an additional 2.9 judges; the Thirteenth Judicial District, which needs an additional 2.8 judges; the Fifth Judicial District, which needs an additional 2.6 judges; the 1st Judicial District, which needs an additional 2.3 judges; the Dona Ana County Magistrate Court, which needs an additional 2.5 judges; and the Bernalillo County Metropolitan Court, which needs an additional 1.9 judges.

The AOC intends to fill judgeships in this priority order:

1. 2nd (Civil)
2. 13th (Civil)
3. metro (Civil/Criminal)
4. 5th (Civil)
5. 3rd (Civil)
6. Dona Ana magistrate (Criminal)
7. 1st (Civil)
8. 2nd (Civil)
9. 2nd (Civil)

The funding provided for each district judgeship includes the salary and benefits of the judge (\$173.6 thousand) as well as salary and benefits for a trial court administrative assistant (\$73.8 thousand), a bailiff (\$38.7 thousand), a certified court reporter (\$82.1 thousand), and a court clerk 2 (\$55 thousand).

The funding provided for each metro court judgeship includes the salary and benefits of the judge (\$166 thousand), a trial court administrative assistant (\$73.8 thousand), two court clerk 2's (\$55 thousand each), and a court monitor (\$51.4).

The funding provided for each metro court judgeship includes the salary and benefits of the judge (\$129.7 thousand) and a court clerk 2 (\$55 thousand).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HAFCS/HB 95 which deals with judicial retirement changes would result in an additional cost for the judgeships contained in HB 303 of \$159.3 thousand per year as a result of employer retirement contribution increases.

NCJ/blm