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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/25/13

SPONSOR Rodella LAST UPDATED \_\_\_\_\_ HB 602

SHORT TITLE 1<sup>st</sup> Judicial District Rio Arriba Offices SB \_\_\_\_\_

ANALYST Jorgensen

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

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	Unknown	Unknown	Unknown	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House Bill 602 would amend the statute that creates the first judicial district court by specifying that there are eight divisions within the court, and division 5 is to maintain its principle office in Rio Arriba County. Language is also included to direct that the court must hear any matters related to cases from Rio Arriba County in the county seat, Tierra Amarilla.

### FISCAL IMPLICATIONS

It is possible that the requirements of this legislation will result in additional travel time for judges in the district resulting in the need for additional judges.

The AOC reports that Currently, if a matter is assigned to division 5 of the first judicial district court in Tierra Amarilla, it is common for hearings and other matters to take place in Santa Fe. This occurs when the case may have been reassigned to a judge from another division located in Santa Fe, counsel for the defendant and the state are located in Santa Fe, and the defendant does not have to appear for the hearing or is in custody in the Santa Fe County Detention Center. Requiring that all hearings be held in Tierra Amarilla would increase the travel costs of not only the court, but also the district attorney, the public defender, criminal defendants paying hourly fees to private counsel, and civil parties paying hourly fees to counsel.

**SIGNIFICANT ISSUES**

The AOC has further noted the following:

The most recent judge needs study indicates that the first judicial district needs almost three judges to cover the approximately 10,000 cases filed in the district annually. All parties have the absolute right to excuse the division 5 judge from the cases assigned to that division. These two immutable facts mean that every time someone excuses the division 5 judge, a judge from Santa Fe will have to devote four hours of driving time to hear all matters in Tierra Amarilla. Since criminal defendants have the right to excuse the division 5 judge even before first appearance, requiring the Santa Fe judges to substitute for the first appearance in Tierra Amarilla would lead to the very real possibility that one or two Santa Fe judges would have to travel to Tierra Amarilla every day.

It bears noting that for Rio Arriba County cases all trials and some significant pretrial hearings are held in Tierra Amarilla anyway. Requiring all hearings to take place there would make it that much more difficult for Santa Fe judges to turn their dockets over, which in turn means that their dockets would become more crowded and delayed. Civil litigants would have to wait longer for a resolution in their cases, and just as importantly they would have less of the judges' time and attention to present their claims and defenses. Similarly, criminal defendants have a right to the speedy resolution of the charges against them, so a clogged docket could lead to dismissal of charges.

NCJ/blm