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FISCAL IMPACT REPORT

ORIGINAL DATE 02/28/13

SPONSOR Candelaria LAST UPDATED _____ HB _____

SHORT TITLE Bernalillo Animal Abuse Case Court SM 78

ANALYST Wojahn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	*see fiscal impact			*see fiscal impact	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Bernalillo County Metropolitan Court (BCMC or Metropolitan Court)

SUMMARY

Synopsis of Bill

Senate Memorial 78 (SM 78) requests the Bernalillo County Metropolitan Court to establish a specialty court to handle animal abuse cases.

FISCAL IMPLICATIONS

SM 78 does not appropriate funds, and the BCMC reports creating and operating an animal abuse specialty court would require significant resources.

Any specialty court requires at a minimum; a dedicated judge and docket, together with 1 FTE Court Clerk II (\$20.558 an hour for overtime) and 1 FTE Court Probation Officer (\$28.752 an hour for overtime). Metropolitan Court Judges who participate in specialty court programs do so in addition to their regular dockets. Specialty courts are typically held late in the day or during the lunch hour so as not to interfere with their regular dockets.

If a specialty court were to be created, the Court assumes that a weekly 3-hour docket would be dedicated to the program. However, the time spent in the courtroom is not all that is required to support a specialty court. Considerable time is spent by the judges, probation officers and clerks meeting with the defendants, reviewing the files, and meeting with treatment providers.

A court probation officer would spend approximately 22 hours per week establishing supervision

plans, coordinating with external treatment providers, as well as supervising the defendants in the program to ensure compliance. In addition to the time spent in the courtroom, the court clerk would also spend approximately 12 hours of prep time on case files and docketing.

The annual cost of the overtime for 1 FTE Court Probation Officer based on 25 hours' overtime per week would be \$46,631.00. In addition, the annual cost of the overtime for 1 FTE Court Clerk II at 15 hours overtime per week would be \$19,999.20. The total annual cost for overtime for both would be \$66,630.20.

If current court staff were not used for the program – thereby eliminating the need for overtime – and instead 1 FTE Court Probation Officer II (\$56,233.00) and 1 FTE Court Clerk II (\$42,058.00) were hired, the total annual cost would be \$98,291.00.

Although judges are exempt employees and so are not compensated for overtime, the creation of an additional specialty court will impact their ability to address their current caseloads due to the time required for a specialty court. Metropolitan Court is a court of record on DWI and domestic violence cases – cases which require considerable time both in and out of the courtroom. Based on current caseload studies, each judge carries approximately 5,765 cases, which heavy volume supports the Court's need for 2.82 additional judges. The creation of another specialty court will further increase the Court's need with the expanded duties and responsibilities necessitated by such a program.

SIGNIFICANT ISSUES

The Court considers a number of factors in deciding whether or not it is appropriate to create a specialty court. The first consideration is typically the volume of the case load being considered for a specialty court and whether the needs of the identified population can be adequately served without the creation of a specialty court. The Court also considers the needs of the community and examines its available resources.

The small number of animal abuse cases filed in the Metropolitan Court does not support the creation of a specialty court. The majority of the animal cases filed in the Metropolitan Court pertain to permits, licenses, and vaccinations – not animal cruelty. In order to streamline the processing of those more routine cases, representatives of the Metropolitan Court worked with the City Animal Welfare Department and in December, 2012 began scheduling those cases for arraignment as part of the Court's Traffic, Parking, and Animal Arraignment (TPAA) docket. In February, 2013, 62 cases were scheduled for the Court's TPAA docket.

The remaining animal cases – where there is the potential for animal abuse – are scheduled for bond arraignment before the judge assigned to the case and do not get arraigned as part of the Court's combined TPAA docket. By way of comparison in February, 2013, only 11 cases contained charges where there was the potential for animal abuse such that they were scheduled for bond arraignment.

The Court's numbers for February are typical of those in other months. While these 11 cases are important, this is not a sufficient volume to support the creation of a specialty court.

ADMINISTRATIVE IMPLICATIONS

According to the BCMC, cases involving felony cruelty to animals would not come under the jurisdiction of the Metropolitan Court and instead would be prosecuted the City Animal Welfare Department in the District Court.

MEW/blm