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## FISCAL IMPACT REPORT

SPONSOR Bandy ORIGINAL DATE 2/15/15  
LAST UPDATED \_\_\_\_\_ HB 362

SHORT TITLE Create 14 Judicial District SB \_\_\_\_\_

ANALYST Jorgensen

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

|              | FY15 | FY16     | FY17    | 3 Year<br>Total Cost | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|----------|---------|----------------------|------------------------------|------------------|
| <b>Total</b> |      | \$427.0* | \$436.5 | \$863.5              | Recurring                    | General          |

(Parenthesis ( ) Indicate Expenditure Decreases)

\*Assumes the new judicial district to be created in FY16.

Duplicates SB 245  
Relates to HB143, SB334, SB336 and SB353  
Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
New Mexico Sentencing Commission (NMSC)  
Public Defender Department (PDD)  
Administrative Office of the District Attorney (AODA)  
Department of Finance and Administration (DFA)

### SUMMARY

#### Synopsis of Bill

Senate Bill 245 proposes to divide the Eleventh Judicial District and create a Fourteenth Judicial District in San Juan County with three of the eight judges in McKinley County (Eleventh Judicial District) and the remaining five in San Juan County.

### FISCAL IMPLICATIONS

The Eleventh Judicial District Court in San Juan and McKinley counties is budgeted as a single entity and received a general fund appropriation of \$6.3 million in FY15, which funds all court operations, including salaries and benefits.

Today, the administrative structure of the Eleventh Judicial District includes a Court Executive Officer as the chief administrative executive as well as personnel for finance, budgeting, human resources, and other administrative functions centered in San Juan County. SB 245 makes no provision to fund an additional staff for either the Eleventh or the proposed Fourteenth Judicial District. Salary and benefits and office space for the new district are estimated to be at least \$295 thousand, which are recurring and approximately \$50 thousand for additional space for new staff.

The estimates provided by AOC do not include the amount necessary to separate the budget into two separate budgets for each courts, which will require staff time and changes to the accounting structure in the Statewide Human Resource, Accounting, and Management Reporting System.

The restructure of the Eleventh Judicial District is not included in the Judiciary's Unified Budget.

The AODA reports that no additional costs are likely for this transition for the District Attorney Offices, as the division already exists. On the positive side, it may allow the two divisions to separately compete for other funding from other sources, such as federal grants, without being bound to their partner district's interests or performance.

PDD has a district defender in San Juan County and a managing attorney in McKinley County. If SB 245 were to be enacted into law, the PDD would need approximately \$128 thousand annually for a District Defender in the new district.

## **SIGNIFICANT ISSUES**

According to the AOC, the Judiciary has not studied whether there is a need to separate the Eleventh Judicial District into two separate districts and takes no position on the value of that proposal. However, funding the priorities in the Unified Budget would be preferable to funding the proposal advanced in SB 245. The AOC is not aware of any performance measures or other data that indicates the separation of the Eleventh Judicial District into two separate districts is needed to improve efficiency, reduce costs, or otherwise achieve an objective identified by the Judiciary as critical.

AOC consulted the Chief Judge and Court Executive Officer of the Eleventh Judicial District. Their view of SB 245 is consistent with that stated above. There may be concerns about whether judges currently elected in a two-county district can be required to run in a smaller district, but this issue has not been studied.

The NMSC reports in its response that from 2010 to 2014, new and reopened civil cases filed in the 11th Judicial District decreased an average of 6.5 percent annually. During the same time period, new and reopened criminal case filings increased an average of 1.3 percent annually. Overall, the combined number of civil and criminal cases filed in the 11th Judicial District has decreased during that time period.

**ADMINISTRATIVE IMPLICATIONS**

Adding a District Defender in McKinley County would improve staff management and felony defense.

**RELATIONSHIP**

Relates to HB 143 (Create Additional Judgeships), SB 336 (Creating Water District Courts), SB 334 (12th Judicial District Judge in Lincoln County), and SB 353 (Create Additional Judgeships). Duplicates SB 245

CJ/bb/aml