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FISCAL IMPACT REPORT

SPONSOR Candelaria ORIGINAL DATE 1/16/15
LAST UPDATED _____ HB _____
SHORT TITLE Municipality Appeals to Court of Appeals SB 84
ANALYST A. Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total					NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 84 amends Section 35-15-11 NMSA 1978 to allow a municipality to appeal a decision from the District Court to the Court of Appeals regarding violations of municipal ordinance instead of the Supreme Court.

FISCAL IMPLICATIONS

The judiciary would have printing and distribution costs associated with the changes to the law but did not provide an estimate of the costs.

SIGNIFICANT ISSUES

In New Mexico, appeals, except for a very limited number of cases (i.e., capital cases), are to the Court of Appeals and then a discretionary appeal to the Supreme Court. This is because the court of appeals, with its larger staff, more judges, and streamlined procedures, is designed to be a first filtering system to give parties a fair and efficient appeal. The two-tier appeal system works well and is the accepted system virtually in all other states for all types of appeals.

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The current law provides a municipality the right to appeal directly to the Supreme Court because the Court of Appeals was not created when the right was granted to municipalities. The bill updates the law.

PERFORMANCE IMPLICATIONS

The caseload would simply shift from the Supreme Court to the Court of Appeals, which has more staff.

ABS/aml