

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Martinez ORIGINAL DATE 1/12/15
LAST UPDATED _____ HB _____

SHORT TITLE Court Civil Judgment Action Language SB 107

ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total					NFI	

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorneys (AODA)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 107 amends Section 37-1-3 NMSA 1978 removing the reference of "any judgment of any court not of record" or magistrate courts and clarifies the time limit to file an action on a magistrate court civil judgment.

FISCAL IMPLICATIONS

There are no fiscal implications with this bill as it clarifies an existing law.

SIGNIFICANT ISSUES

According the AOC, the current law causes confusion regarding the length of time (six years) allowed to execute on civil judgments in magistrate court and contradicts Section 37-1-2 NMSA 1978, which allows 14 years from the date of the judgment to revive it through a petition. By deleting "or upon any judgment of any court not of record", the inconsistencies are removed.

ADMINISTRATIVE IMPLICATIONS

According to the AOC, magistrate courts would be responsible for resolving a very minimal number of these types of cases.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

According to the AOC, the courts and the public would continue to be confused about allowable time limits in which to file an action on a magistrate court civil judgment.

AS/je