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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/9/15  
 LAST UPDATED 3/3/15      HB \_\_\_\_\_

SPONSOR Pirtle

SHORT TITLE File Traffic Citations in County of Violation      SB 222/SJCS

ANALYST Chenier

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See fiscal implications	See fiscal implications	See fiscal implications	Recurring	General Fund

(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)  
 Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of SJC Substitute

The Senate Judiciary Committee substitute to Senate Bill 222 would amend Section 35-3-6 NMSA 1978 by deleting language relating to the jurisdiction of magistrates and whether defendants are entitled to changes of venue. The substitute adds that magistrates have jurisdiction if defendants consent to a change of venue from the magistrate district where the cause of action arose.

### FISCAL IMPLICATIONS

The bill would allow defendants to consent to a change of venue from the magistrate district where an action arose, allowing defendants and officers to have cases heard, in certain situations, closer to where citations were issued.

### SIGNIFICANT ISSUES

Cross-deputized law enforcement officers may expend more time and risk unavailability for testifying if they are limited to filing citations in the county where the offense was committed, rather than having the choice of filing in their “home” counties. The substitute would allow the

defendant to consent to a changed venue to an adjacent county if the law enforcement officer chose to file in the home county. The substitute would presumably allow for more efficient use of officer and defendant time.

Such choice may be useful, for example, in the originating county of a pursuit, or in a county where a cross-deputized officer is primarily posted. The option may also be useful where the violation occurred, say, in a remote county, but the offender and the officer have closer ties to a different county.

EC/bb