

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

ORIGINAL DATE 1/27/16
SPONSOR Varela **LAST UPDATED** _____ **HB** 90

SHORT TITLE Create Additional Judgeship in the 5th District **SB** _____

ANALYST Downs

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
	\$335.6	Recurring	General Fund
	\$20.7	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$306.8	\$298.6	\$605.4	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Judicial Standards Commission (JSC)
 Administrative Office of the Court (AOC)
 Public Defender Department (PDD)
 Administrative Office of the District Attorneys (AODA)
 Secretary of State (SOS)

Responses not Received From

Association of Counties
 Municipal League

SUMMARY

Synopsis of Bill

House Bill 90 appropriates \$356.4 thousand from the general fund to the fifth judicial district court for the salaries and benefits of one additional judge, to be appointed by the governor, and three support staff, as well as supplies, equipment, and furniture. The bill would bring the total number of judges in the fifth judicial district to 12. The judgeship would be effective July 1, 2016.

FISCAL IMPLICATIONS

According to AOC, the recurring portion of the appropriation for the judge and support staff salaries amounts to \$335.6 thousand, and the remaining \$10.7 thousand is nonrecurring for furniture, supplies, and equipment.

In correlation with the judgeship, the Public Defender Department stated it would require at least two associate trial attorneys at an average cost of \$98 thousand each including startup costs, and a senior secretary, at an average cost of \$52 thousand including start up costs. According to the Administrative Office of the District Attorneys, there would also be a need for additional staff in the fifth district attorney's office at a cost of \$156.8 thousand for the salaries and benefits of a trial attorney and an administrative secretary, including start up costs.

The appropriation of \$356.4 thousand contained in this bill is a recurring expense to the general fund. Any unexpended balance remaining at the end of FY17 shall revert to the general fund.

SIGNIFICANT ISSUES

According to the New Mexico Sentencing Commission's annual needs study, the state of New Mexico should have an additional 9 district judges, 2.5 of which were needed in the fifth judicial district court. Additionally, case filings in the district have been increasing, supporting the need for another judge.

It would be the responsibility of Eddy County to remodel the Eddy County Courthouse, the space formerly filled by the Eddy County Sheriff's office, to accommodate the additional judgeship. However, the cost to the counties is unknown.

Any additional judges increase the potential for complaints submitted to the Judicial Standards Commission, which is constitutionally charged with screening every case received. If complaints increase, the commission will need an appropriate budget increase.

JD/jo