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## FISCAL IMPACT REPORT

**SPONSOR** Torraco **ORIGINAL DATE** \_\_\_\_\_ **HB** \_\_\_\_\_  
**LAST UPDATED** \_\_\_\_\_

**SHORT TITLE** Court Jurisdiction on Certain Cases, CA **SB** SJR4

**ANALYST** Downs

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

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$77.8	\$77.8	\$77.8	\$233.4	Recurring	General Fund
<b>Total</b>	\$104.0	\$0.0	\$0.0	\$104.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Defender Department (PDD)  
 Secretary of State (SOS)  
 Bernalillo County Metropolitan Court (BCMC)  
 Administrative Office of the Courts (AOC)  
 Administrative Office of the District Attorneys (AODA)

### SUMMARY

#### Synopsis of Bill

Senate Joint Resolution 4 purposes an amendment to Article 6, Section 13 of the Constitution of New Mexico to remove appellate jurisdiction from the district courts on the record driving while intoxicated and on the record domestic violence cases from Bernalillo County Metropolitan Court. The amendment would be put on the ballot in the next election.

### FISCAL IMPLICATIONS

While the AOC reported that the Second Judicial District Court would experience savings and much needed relief in eliminating the backlog of on the record appeals for DWI cases in response to the Case Management Order, it also reported that the Court of Appeals would need

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to hire at least one new attorney. The average salary, including benefits, of an attorney at the court of appeals is \$77.8 thousand per year.

The Secretary of State estimates the cost of placing a constitutional amendment on the ballot to be \$104 thousand based on 2010 actual expenditures. This includes all necessary printing and advertizing. The next general election is in 2016, FY17.

### **SIGNIFICANT ISSUES**

AOC stated that between 2010 and 2014, an average of 68 new DWI/DUI appeals were made from Metropolitan Court to the Second Judicial District Court per year, and a total of 12 domestic violence appeals were filed in the same period. It is thus estimated that the Court of Appeals would have an additional 50-70 cases.

According to the AOC, the Second Judicial District Court does not have a formalized mechanism to handle appeals like the Court of Appeals which has a summary calendar enabling the disposition of a large percentage of appeals by scheduling hearings with or without the parties. AOC stated it can be expected that even with additional appeals, cases will proceed more quickly with the summary calendar.

The Public Defender Department stated that a change in the appeals process for Metropolitan cases would change due process procedures, allowing for greater due process outside the county when cases are heard in magistrate court and can be appealed as a new trial in the district court.

The Administrative Office of the District Attorney reported that there would most likely be a cost increase for AODA and the Attorney General's Office. Cases in the Court of Appeals are handled by the Attorney General's Office which would mean an increase in the caseload by 50-70 in correlation with the increased appeals at the Court of Appeals.

### **PERFORMANCE IMPLICATIONS**

According to the Bernalillo Metropolitan Court, the only change in performance would be the delivery of the record from the existing walk across the street to the Second Judicial District Court to the Court of Appeals, a two mile drive from Metropolitan Court.

In additional, the Public Defender Department reported that on average, 25 cases are appealed by the defense to the district court and 5 are won each year. The change would be that the 5 cases won would be removed from the system at no cost to the PDD.

JD/al