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## FISCAL IMPACT REPORT

SPONSOR Pirtle ORIGINAL DATE 1/31/17  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Traffic Ticket County Filing SB 191  
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>	NFI	NFI	NFI	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Bernalillo County Metropolitan Court (BCMC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 191 provides that a defendant must consent to a change of venue before a case involving a violation of the Motor Vehicle Code may be heard in an adjoining magistrate jurisdiction from where the incident occurred.

### FISCAL IMPLICATIONS

According to AOC, there will not be a fiscal impact on the judiciary overall, but that the new law could increase caseloads in individual courts where officers currently file cases in other jurisdictions, though caseloads would go down in the adjoining court. This will result in a reallocation of resources for AOC, which oversees all magistrate courts and their budgets.

### SIGNIFICANT ISSUES

AOC stated, "Currently, under Section 35-3-6(A), NMSA 1978, a law enforcement officer may file a traffic case in the magistrate court of an adjoining jurisdiction to where the incident occurred. The defendant then has fifteen days after arraignment to request a change of venue to the magistrate court in the county where the incident occurred. Senate Bill 191 would take away

the filing discretion of the officer, and leave the venue determination solely in the hands of the defendant.”

The Bernalillo County Metropolitan Court, a combined magistrate court and municipal court, reported, “In fiscal year 2016, New Mexico State Police for Edgewood and Los Lunas, the Rio Rancho Police, and the Santa Fe County Sheriff’s Office filed a total of 173 traffic cases in the Metropolitan Court. In fiscal year 2015, New Mexico State Police for Edgewood and the Rio Rancho Police Department filed a total of 17 traffic cases in the Metropolitan Court. If these cases were no longer filed in the Metropolitan Court it would enjoy a reduction in its caseload, but the neighboring magistrate courts would receive a corresponding increase in their caseloads.” Metro Court may be more prepared to take a large amount of traffic cases than the smaller adjacent magistrate courts. It has a courtroom devoted to traffic arraignments and a scheduling system, as well as an adjoining attorney’s office. For this reason, few defendants have asked to transfer venues under current law, and more may even request a venue change to Metro Court for convenience.

JD/jle