

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 3/1/2017

SPONSOR Baca LAST UPDATED _____ HB _____

SHORT TITLE Sheriffs as Magistrate Court Security SB 402

ANALYST _____

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

The Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 402 adds a new subsection to Section 4-41-16 NMSA 1978 to require sheriffs to attend any session of a magistrate court if the court requests the sheriff's presence for security purposes. The request must be made by the judge not less than seven days prior to the requested attendance and the sheriff may decline to attend due to lack of available resources.

FISCAL IMPLICATIONS

There would be no general fund impact from the passage of Senate Bill 402, however, the Administrative Office of the Courts reported:

The Administrative Office of the Courts has contracts with security companies to provide security in Santa Fe and Las Cruces, the two busiest magistrate courts. The annual security contract for the Santa Fe magistrate court is \$68 thousand for part-time security. The Las Cruces magistrate court security contract is \$155 thousand for full-time security. The other magistrate courts do not have security personnel. Senate Bill 402 may allow the Administrative Office of the Courts to renegotiate the security contracts in Santa Fe and Las Cruces magistrate courts, depending on the availability of the local sheriffs' offices to provide security in lieu of the private security companies.

No response was received from the New Mexico Association of Counties, despite the fact that this bill could increase costs for county sheriffs. The bill allows sheriffs to refuse a judge's request for security if resources do not permit, however for the Administrative Office of the Courts to take a savings, as outlines above, it would be a cost to the local sheriff even if it could manage it within its existing budget.

SIGNIFICANT ISSUES

The Administrative Office of the Courts provided the following commentary on the status of security at most magistrate courts around the state:

The majority of magistrate courts in New Mexico do not have security personnel. The magistrate courts hear criminal cases involving alleged violent offenders, as well as very contentious civil cases where parties' passions are often enflamed. There is often a great potential for violence in the magistrate courts, either from alleged offenders or other members of the public who are unhappy with court decisions and/or policies. The courts that do not have security personnel are forced to rely on the judges' and staff's ability to control potentially violent individuals, or otherwise attempt to have available law enforcement personnel come to the court in time to prevent a serious incident. Judges have the duty to maintain order in the court, but this can be very difficult when no security or law enforcement personnel are present to help enforce the courts' orders.

The lack of security could also cause alleged victims of violent crimes to be reluctant to testify in cases at courthouses when no security personnel is present. Judges are in the best position to know when a case or hearing presents the potential for a violent encounter. Senate Bill 402 would give judges the authority to request security from their local sheriff, in those cases.

JD/jle