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FISCAL IMPACT REPORT

SPONSOR SJC ORIGINAL DATE 2/07/2020
 LAST UPDATED 2/12/2020 HB _____

SHORT TITLE Additional Judgeships SB CS/SB185/aSFC

ANALYST Dick-Peddie/Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	See Fiscal Analysis			See Fiscal Analysis	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Public Defender Department (PDD)

Attorney General (NMAG)

No Response Received

Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee Amendment to the Senate Judiciary Committee Substitute for Senate Bill 185 removes the appropriation from the general fund to the 1st, 2nd, 3rd and 12th judicial districts.

Synopsis of Original Bill

The Senate Judiciary Committee Substitute for Senate Bill 185 appropriates a total of \$1.54 million from the general fund to the 1st, 2nd, 3rd, and 12th judicial districts for the purpose of creating 5 additional judgeships. The new judges would be appointed by the governor.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

According to the Administrative Office of the Courts (AOC), a new judgeship has not been created in New Mexico since 2014, despite district court caseloads increasing 2.5 percent from FY14 to FY20. A recently conducted workload study from the National Center for State Courts (NCSC) showed a need for 25 new judges statewide, with the 1st, 2nd, 3rd, and 12th judicial districts having the greatest need. The new judges will primarily preside over civil cases, except in the 3rd and 12th judicial districts where judges share civil and criminal dockets.

The appropriation included in SB185 account for the proposed new judges and staff, but do not account for any new furnishings or work space associated with the new positions. LFC files indicate that a judicial bench costs anywhere from \$5,000 to \$10,000, depending on size. According to AOC, the respective courts all have facilities for the new judges, but at least two district courts may need additional one-time funds for furnishings and supplies. It is possible counties will contribute to these one-time costs, as counties are statutorily obligated to provide and maintain district court houses.

The HAFC Substitute for HB 2 and 3 includes about \$108 thousand less for the judgeships than the appropriation in SB185, the difference primarily consisting of funding for bailiffs. The LFC suggests reclassifying long standing vacancies to fill bailiff positions, or for judges to share existing bailiffs.

The appropriation of \$1.54 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY21 shall revert to the general fund.

SIGNIFICANT ISSUES

The Public Defender Department (PDD) noted that any increase in criminal cases initiated or appealed in district courts would create a need for more defense attorneys at PDD and possibly more prosecuting attorneys in district attorney offices. The HAFC substitute for HB223 includes \$900 thousand for new attorneys at PDD. It is unknown if this is sufficient for this possible increased workload. The Administrative Office of District Attorneys did not submit agency analysis.

PERFORMANCE IMPLICATIONS

All district courts report cases disposed as a percent of cases filed quarterly to the LFC. With additional judges, the affected districts may have higher performance results for this measure.

RELATIONSHIP

Relates to appropriations in the General Appropriation Act.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Appropriations within the affected district courts' budgets for additional judgeships will revert to the general fund.

ADP/sb/al/rl