

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

SPONSOR Stewart LAST UPDATED _____
ORIGINAL DATE 2/16/2023
BILL _____
SHORT TITLE Judicial Standards Commission Oversight NUMBER Senate Bill 302
ANALYST Gray

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Judicial Standards Commission (JSC)

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Senate Bill 302

Senate Bill 302 contemplates amending statute that relates to the Judicial Standards Commission. Existing law gives the commission authority to investigate, discipline, remove, or retire any justice, judge, or magistrate for good cause. In the 2019 session, the State Ethics Commission Act was passed which, in part, amended Section 34-10-2.1 NMSA 1978.

The amended Section expanded the commission's jurisdiction to include court appointed commissioners, hearing officers, administrative law judges, and special masters. This 2019 amendment was made in conflict with the New Mexico Constitution. *See significant issues.*

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

The judicial standards commission (JSC) notes that if SB302 is not enacted, the commission may

anticipate litigation challenging either the enforcement or nonenforcement of the expanded jurisdiction granted under the 2019 amendment of Section 34-10-2.1 NMSA 1978. These costs would be borne by the state. These costs are indeterminate but likely minimal.

SIGNIFICANT ISSUES

Article 6, Section 32 of the New Mexico Constitution provides the JSC authority only to discipline or remove justices, judges, and magistrates of any court. A formal opinion by the New Mexico Attorney General found that the Legislature's 2019 amendment of Section 34-10-2.1 NMSA 1978 was unconstitutional.

SB302 would amend statute to align with the commission's constitutional authority.

The Administrative Office of the Courts (AOC) notes that there are four court-appointed commissioners and 21 hearing officers all of which are governed by the New Mexico Judicial Branch personnel rules, policies, and code of conduct and are overseen by the authority of each judicial entity. Regardless of the enactment of SB302, disciplinary issues for these personnel will continued to be addressed pursuant to current judiciary rules and policies.

AOC also notes there are no administrative law judges or special masters as the job classifications do not exist.

BG/al/ne