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FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/09

SPONSOR Nunez LAST UPDATED _____ HB 296

SHORT TITLE Metro Court in Certain Counties SB _____

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|------|-------------------------|------------------|
| FY09 | FY10 | | |
| | NFI | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Bernalillo County Metropolitan Court (BCMC)
 Department of Finance Administration (DFA)
 Public Defender (PD)

SUMMARY

Synopsis of Bill

HB 296 amends the statute that requires creation of a metropolitan court by raising the county population threshold from 200,000 to 350,000. It is expected that Doña Ana County will have reached a population of 200,000 by the 2010 census.

FISCAL IMPLICATIONS

The bill does not contain an appropriation. It is still uncertain what fiscal impact there will be upon the establishment of a new metropolitan court.

SIGNIFICANT ISSUES

There may be significant issues related to the wording of this bill. The bill maintains the language of 34-8A-1 NMSA 1978 which includes the phrase, ". . . in the last federal decennial census . . ." At the time this section was created Bernalillo County had established a population of more than two hundred thousand and was therefore eligible for a metropolitan court. The

amended language increases the population threshold. Currently the next largest county in population is Dona Ana County. In the 'last federal decennial census' Dona Ana's population was 174,682, below the threshold for a metropolitan court. It is expected that in the 2010 census, Dona Ana county will exceed two hundred thousand population, however it is unknown if it will exceed three hundred fifty thousand in population. Passage of this bill could remove Dona Ana county and the City of Las Cruces from consideration for a metropolitan court following the 2010 census.

RELATIONSHIP

HB 296 effectively delays the creation of a Metropolitan Court in Doña Ana County until 350,000 people reside in the County, as determined by the 2020 national census, while HB 275 seeks to create a Doña Ana County Metropolitan Court in FY 10.

OTHER SUBSTANTIVE ISSUES

HB 296, in delaying the formation of a new metropolitan court, will also delay the costs associated with such a court. Magistrate judgeships are less costly than metropolitan judgeships, the six-judge Doña Ana County Magistrate Court will have to be built out to accommodate an eight-judge court as proposed by HB 275, and magistrate courts are administered centrally by the Administrative Office of the Courts while a metropolitan court would have to hire several administrative and IT staff locally. HB 296 would delay the advent of these higher general fund recurring and nonrecurring expenditures. Also, a metropolitan court will affect the amount of revenue collected by a variety of municipal courts in the area. This could offset the higher cost of a metropolitan court to some extent, but it will consequently affect municipal budgets in the area.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

CS/mc