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FISCAL IMPACT REPORT

ORIGINAL DATE 2/27/09

SPONSOR Ezzell LAST UPDATED _____ HJM 66

SHORT TITLE Study Court Use Of Audio-Video Technology SB _____

ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1.0			Non Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications below.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General (AGO)

SUMMARY

Synopsis of Bill

House Joint Memorial 66 request the AGO create a task force to study the viability and merit of allowing audio-video technology in court proceedings. Members of the task force would include a representative of: municipal law enforcement appointed by the New Mexico municipal league; county law enforcement appointed by the New Mexico association of counties, the public defender department, appropriate advocacy groups with an interest in issues of crime or justice and additional members as deemed necessary by the task force.

The task force would consider the impact on the quality of justice and improvements in economy and efficiency that could be achieved with the use of videoconference technology; the experience of other states regarding this practice; and the types of criminal or civil proceedings in which the use of videoconference technology may be appropriate.

The task force would report its findings and recommendations, including any recommendations for proposed legislation, to the appropriate interim legislative committee no later than November 1, 2009.

Copies of the memorial would be transmitted to the office of the district attorney, the New

Mexico municipal league, the New Mexico association of counties, the attorney general, the administrative office of the district attorneys and the public defender department.

FISCAL IMPLICATIONS

Both the AGO and the AOC, should it be included in the task force (see below), anticipate some undetermined additional costs associated with convening the task force and preparing the report.

SIGNIFICANT ISSUES

Advances in technology make it possible for attorneys to examine witnesses, represent clients and appear at trials and in other court proceedings utilizing an audio-videoconference format.

Courts have, in some instances, allowed witnesses to testify at trials by means of a telephone.

A court appearance through videoconference technology is vastly superior to a telephonic appearance of an attorney or a witness because it allows the court and all persons involved in the trial or other courtroom proceeding to see, as well as to hear, the attorney or witness.

Allowing videoconference technology to be used in courtroom settings can decrease the cost of court proceedings by decreasing the cost of expert witness testimony and attorney fees.

State and federal courts are increasingly using videoconference technology to hold proceedings in criminal cases; however, little information is available about the extent of its use, the proceedings for which it is or could be used and how it is or could be implemented.

Little is known about how videoconferencing affects the behavior or perceptions of participants in a way that may violate a defendant's civil rights.

The AOC states that no judicial entity is asked to participate in the study. The Administrative Office of the Courts suggests that it should participate as it owns the judicial audio-visual network that is currently in place. There are currently significant technical and financial limitations on the network of which the task force should be aware. There are also important issues of constitutional dimension that should be raised for the consideration of the task force.

The AGO notes that this is a relatively complicated area and would require some time and expenditures of funds to finish the task assigned and report to the legislature.

GH/mc