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# FISCAL IMPACT REPORT

			<b>ORIGINAL DATE</b>	01/28/14		
SPONSOR	R Saavedra		LAST UPDATED	02/11/14	HB	141/aHAFC
SHORT TITLE		Create Additional Judgeships			SB	

ANALYST Jorgensen

## **APPROPRIATION (dollars in thousands)**

Appropr	iation	Recurring	Fund Affected	
FY14	FY15	or Nonrecurring		
	NFI	NFI	NFI	

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

<u>Responses Received From</u> Administrative Office of the Courts (AOC) Administrative Office of the District Attorneys (AODA) Attorney General's Office (AGO) Public Defender Department (PDD)

#### SUMMARY

Synopsis or HAFC Amendment

The House Appropriations and Finance Committee amendment to House Bill 141 removes the appropriations for the judgeships as the funding for the additional judges has been included in the base budget of the courts.

Synopsis of Original Bill

House Bill 141 sponsored by the Courts, Corrections and Justice Committee, creates five additional judgeships as follows: one additional judgeship each in the First Judicial District, the Second Judicial District, the Fifth Judicial District, the Thirteenth Judicial District, and the Dona Ana magistrate district.

### House Bill 141/aHAFC – Page 2

The additional district judgeships shall be filled by appointment by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico. The additional judgeship in the Dona Ana magistrate district shall be by appointment by the governor. The appointed magistrate shall serve starting July 1, 2014 and shall serve until succeeded by a magistrate judge elected in the 2014 general election.

The bill provides an appropriation of \$1.5 million for salaries and benefits, furniture, supplies and equipment for the additional judges and support staff.

## FISCAL IMPLICATIONS

The General Appropriations Act includes \$1.1 million to fund additional judges in all of the requesting districts.

## SIGNIFICANT ISSUES

The annual judicial workload study indicates, based on fiscal year 2013 case filings, an additional 22 judges are needed statewide. The unified budget included additional judgeships for the five most under-staffed districts in the state.

The four district court judgeships will handle a purely civil docket and the additional magistrate judge will handle a civil and traffic docket. All of the requesting districts have stated that they will be able to accommodate an additional judge in their current facilities.

The AOC has stated that the need for civil judgeships is severe as criminal, juvenile, and child welfare cases are prioritized over civil cases resulting in significant delays in civil case hearings.

## DUPLICATION

The appropriation contained in HB 141 duplicates provisions of the General Appropriations Act.

## **OTHER SUBSTANTIVE ISSUES**

The District Attorneys and the PDD have stated that the creation of additional judgeships may increase their workloads. The AOC has stated that the creation of additional civil judgeships will not have an impact on criminal dockets as there are no split dockets in the 1<sup>st</sup>, 2<sup>nd</sup>, or 5<sup>th</sup> district courts and the additional judgeship in the 13<sup>th</sup> district will be assigned to backlogged civil cases in that district.

CJ/svb:jl