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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 95

SHORT TITLE: Additional Second Judicial Court

SPONSOR: Hochman-Vigil

LAST UPDATE: _____ **ORIGINAL DATE:** 1/16/26 **ANALYST:** Jacobs

APPROPRIATION* (dollars in thousands)

FY26	FY27	Recurring or Nonrecurring	Fund Affected
	\$451.4	Recurring	General Fund

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Administrative Office of the Courts
Administrative Office of the District Attorneys
Public Defender Department
New Mexico Attorney General

SUMMARY

Synopsis of House Bill 95

House Bill 95 (HB95) amends 34-6-5 NMSA 1978 to create an additional district judge position in the Second Judicial District Court. HB95 appropriates \$451.4 thousand from the general fund to the Second Judicial District Court for the purpose of funding a new family court judgeship, including salaries and benefits for the judge and staff, furniture, equipment, and supplies.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

The appropriation of \$451.4 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY27 shall revert to the general fund.

According to the Administrative Office of the Courts (AOC), the appropriation would pay for the

additional family court judge, a court monitor, and a trial court assistant.

AOC also reports Bernalillo County has already built a new courtroom and chambers for the judge, so there should be no need for additional capital outlay.

The Administrative Office of the District Attorneys (AODA) reports the Second Judicial District Attorney would need two more attorneys and corresponding staff to cover the new judicial position.

SIGNIFICANT ISSUES

AOC provides the following:

“There are currently 30 district court judges at the Second Judicial District Court. Four judges are assigned to the family court division that hears domestic violence cases, divorce, custody, parentage, child support, extreme risk firearm protection cases, kinship guardianship cases and certain adoption cases. Every other division at the Second Judicial District Court has added judges to their division, but family court has had four judges since 1997. In the past 29 years, the family court caseload has grown significantly, and new case types have been added to the court’s docket.

“In 2025, there were 9,473 cases filed in the family court division. Those cases are in addition to the 2,493 cases that were still pending from the previous year. Each judge was assigned approximately 2,992 cases in 2025 on top of their caseload still open from 2024. This is a much higher caseload-per-judge than other similar family court divisions around the state.

“In 2025, there were 3,781 domestic violence cases filed or reopened. Judges are required to review and countersign all DV orders as well as be on-call for emergency restraining orders.

“The family court division has eight hearing officers who help the judges but they have limited dockets and cannot make final binding decisions, which all must be made by the assigned judge. The need for timely decisions is hampered if parties cannot have cases either heard or reviewed by a judge in a timely fashion.

“Over 75% of family court cases have at least one self-represented party. Usually both parties are unrepresented, which increases time on the bench as well as time drafting orders for the unrepresented parties.”

PERFORMANCE IMPLICATIONS

The additional judgeship would improve the Second Judicial District’s Family Court by hearing cases and issuing final decisions at a faster rate.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AOC provides the following:

Without the additional judge, the Court will likely need more hearing officers to

address the increases in caseloads and case complexity. But that will result in longer waiting periods for final orders as a hearing officer only issues recommendations and they have thirty (30) days to issue recommendations in all non-domestic violence cases, and the parties have fourteen (14) days to object to any recommendation by a hearing officer, which sometimes results in a second hearing in front of the assigned judge and further delay.

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