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## FISCAL IMPACT REPORT

SPONSOR: Campos DATE TYPED: 02/05/01 HB \_\_\_\_\_  
 SHORT TITLE: Additional Magistrate Court Clerks Statewide SB 279  
 ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 1,446.7			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB130, SB194 and SB197

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
	\$ 160.0	\$ 200.0	Recurring	General Fund
	\$ 240.0	\$ 300.0	Recurring	Various*

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC files  
 Administrative Office of the Courts  
*Index to Revenue Sources of New Mexico*

### SUMMARY

#### Synopsis of Bill

SB279 appropriates \$1,466.7 from the general fund to the Administrative Office of the Courts for the purpose of funding 37 new full-time court clerks for various magistrate courts throughout New Mexico. The clerk positions would be distributed among magistrate courts in accordance with the recommendation of the Chief Judges Council.

The effective date of this bill is July 1, 2001.

Significant Issues

The Chief Judges Council reviewed all district, metropolitan and magistrate staff requests during the FY02 budget process. Their Workload Measurement Study shows a need for an additional 37 magistrate court clerks statewide (see Attachment). The council voted to support a request for 37 new clerk positions. Neither the LFC nor the Executive recommended funding in FY02 for these positions.

In FY01, the number of approved FTE for the magistrate courts statewide is 170.5.

**FISCAL IMPLICATIONS**

The appropriation of \$1,466.7 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

SB279 appropriates funding for salaries and benefits, supplies, furniture and equipment for 37 court clerks in 18 different magistrate districts at a cost of \$39.1 per clerk.

Full staffing could result in additional revenues estimated at \$400.0, of which 40% is designated for general fund; the remainder is deposited in other state funds. These revenues would be in the form of fines and fees collected.

At current staffing levels, several thousand traffic citations do not get docketed and are ultimately dismissed for lack of prosecution. With additional staff, traffic citations and other matters that are currently being dismissed in court could be appropriately processed and collected on, thereby increasing the amount of revenue generated from the magistrate courts.

**ADMINISTRATIVE IMPLICATIONS**

According to the AOC, the magistrate courts are falling behind at a rate of over 30,000 cases per year combined (measured as the number of cases pending at the end of the year compared to at the start). The civil backlog in understated courts is over one year and growing. Besides being understaffed, magistrate staff turnover is high, plus inexperienced clerks further exacerbate the problem as a result of their inability to keep up the caseload.

The AOC Magistrate Court Program has attempted to alleviate the backlogs by taking vacant clerk positions from less busy courts and transferring them to severely understaffed courts and by using DWI council temporary clerks, volunteers and AOC administrative staff to do citation entry. While helpful, temporary assistance does not address the long term affects of understaffing and does not address the increasing caseloads evident at all levels of the judiciary.

SB130 and SB194 each provide 10 court clerks for Dona Ana County. SB197 provides two court clerks for Otero County.

CMH/ar/njw  
Attachment