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FISCAL IMPACT REPORT



SPONSOR: Aragon DATE TYPED: 02/02/02 HB _____

SHORT TITLE: District Court Facility Standards SB 390

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB2

SOURCES OF INFORMATION

Facility Standards for Magistrate Courts in New Mexico
LFC files

SUMMARY

Synopsis of Bill

Senate Bill 390 amends Section 34-6-24 NMSA 1978 regarding district courts by including that the Administrative Office of the Courts (AOC) shall adopt and promulgate district court facility standards for adequacy of court facilities.

Significant Issues

1. Since district courthouses are funded by county governments, not the state, there are great variations in courthouses throughout New Mexico. All counties are required to provide utilities and maintenance services.
2. Legislators have been made aware of security issues, space problems, structural inadequacies and violations of building and safety codes at some district courts.
3. Because of the differential of the taxpayer base in each county, the ability of the county to address courthouse problems differs.

4. The magistrate courts have a Supreme Court-sanctioned document entitled *Facility Standards for Magistrate Courts in New Mexico*. It details minimum standards for square footage and space allocation, sound proofing for walls, security features, parking, signage, bathrooms, design elements and “circulation paths.” The standards are meant to facilitate the process of identifying a court’s needs and the eventual acquisition or renovation of space used by the magistrate courts. In addition, these standards take into consideration materials provided by the National Center for State Courts (NCSC). District courts, on the other hand, do not have uniform minimum statewide standards because they are funded and built by the counties.
5. SB390 directs AOC to develop and promulgate facility standards for district courts in the same manner. When uniform, minimum standards for district courts are adopted, then the Supreme Court, AOC or designated committee can conduct a statewide review of court facilities in order to identify deficiencies, repairs, expansion needs, etc.

FISCAL IMPLICATIONS

There is no appropriation or direct fiscal impact to the state as a result of this bill.

ADMINISTRATIVE IMPLICATIONS

The AOC will be impacted by this legislation in regards to the time and resources required to develop district court facility standards and present them in a documented format. However, the 6th Judicial District Court engaged a contractor in FY02 to review the courthouse(s) facilities in that district and make recommendations for improvement. The results of that study can be used by the AOC as a basis for developing the statewide standards promulgated by this bill.

RELATIONSHIP

Senate Bill 2 appropriates funds to the AOC to engage a contractor to conduct a court facilities improvement study.

OTHER SUBSTANTIVE ISSUES

- Promulgating district courthouse standards to the county governments
- Enforcement of minimum standards
- Sanctions for violation of standards

POSSIBLE QUESTIONS

1. Once the courthouse minimum standards are developed, how is the judiciary going to enforce them? Can the Supreme Court issue a violation order to the county? What happens if a county can not afford to fix, repair, change, expand or upgrade the courthouse? Will the state assist in funding?

CMH/njw