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FISCAL IMPACT REPORT

SPONSOR: Park DATE TYPED: 3/12/03 HB 181/aHJC/aSJC

SHORT TITLE: Venue in Courts SB _____

ANALYST: Chavez

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
NFI	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Bernalillo County Metropolitan Court (BCMC)
 Administrative Office of the Courts (AOC)
 LFC Files

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Amendment is to delete the language under Section 2 (repeals) which cite the laws pertaining to the sections of the NMSA which were re-instated by the House Judiciary Amendment. Thus, they are no longer repealed.

Synopsis of HJC Amendment

The House Judiciary Committee Amendment re-instates Sections 38-3-5 and Section 38-3-6 which only leaves the repeal of Section 38-3-8 NMSA 1978.

- 1) **Section 38-3-5** states that upon filing a motion for a change of venue the court may require evidence in support of the motion and will make findings and either grant or overrule the motion.
- 2) **Section 38-3-6** does not allow a second change of venue in any civil or criminal case, as a matter of right, but will be within the discretion of the court.

Synopsis of Original Bill

House Bill 181 amends Section 38-3-3 NMSA 1978 striking those provisions setting time restrictions for requesting a change of venue in any civil or criminal case. House Bill 181 also repeals Sections 38-3-5, 38-3-6 and 38-3-8 NMSA 1978.

Significant Issues

- Repealed Section
- 3) **Section 38-3-8** does not allow a change of venue after the first term at which the party might have been heard, unless the causes upon which the motion is founded have intervened subsequent to such term.

The Administrative Office of the Courts indicates the purpose of repealing the above section is to delete language from the statutes that is obsolete and no longer accurately reflects the manner in which change of venue issues are brought before the district courts.

The bill also contains an emergency clause that allows this bill to take effect immediately.

TECHNICAL ISSUES

The Bernalillo County Metropolitan Court (BCMC) indicated that while various other sections under Article 3 of Chapter 38 of NMSA 1978 expressly mention the district courts, none of them refer to the magistrate, metropolitan or municipal courts. Therefore, for the further clarification BCMC suggests the title of the bill be changed to “Venue in the District Courts.”

FC/njw:pr:yr