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## FISCAL IMPACT REPORT

SPONSOR Silva DATE TYPED 03/01/05 HB 1078/a HJC

SHORT TITLE Local Government Corrections Assessment Costs SB \_\_\_\_\_

ANALYST McSherry

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY05	FY06			
NFI	\$906.8	\$906.8	Recurring	Bernalillo County local government corrections

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Bernalillo County Metropolitan Court (BCMC)  
Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HJC Amendment

House Bill 1078, as amended by the House Judiciary Committee, would increase the correction fee in a county with a metropolitan court from \$10 to \$20 dollars in addition to the bill original increase in penalty assessments for misdemeanors in counties with metropolitan courts.

#### Synopsis of Original Bill

House Bill 1078 amends the “Penalty Assessment Misdemeanors—Additional Fees” NMSA 1978 to provide that a \$20 dollar additional fee to the penalty assessment established for each penalty assessment misdemeanor, previously assessed in counties without a metropolitan court, would rather be assessed in all counties regardless of whether the county has a metropolitan court. The Bill as amended would also increase the correction fee in a county with a metropolitan court from \$10 to \$20 dollars.

### Significant Issues

Bernalillo is the only county in New Mexico with a metropolitan court.

The \$20 dollar fee would be used to “help defray the costs of local government corrections.”

Bernalillo County Metropolitan Court (BCMC) points out that a separate statute establishes a \$10 dollar corrections fee in counties with a Metropolitan Court, when a defendant, who has gone through the Court process, is convicted of the offense (NMSA 1978, Section 35-6-1 D(1)).

According to AOC, if the goal of the proposed legislation is to make the penalty assessment consistent with court collections of fees established in, 35-6-1, then the proposed language should state: “in a county with a metropolitan court there shall be an assessment of \$10.00 to help defray the costs of local government corrections.”

AOC reports that an increase of \$10 to the correction fee will result in people convicted in Bernalillo County of MVD violations or misdemeanors or petty misdemeanors paying \$14 more than people convicted in magistrate courts.

### **FISCAL IMPLICATIONS**

As a result of House Bill 1078, fees collected by BCMC would increase for local corrections. Currently Bernalillo County Metropolitan Court is not assessing or collecting any penalty assessment misdemeanor fees for local government corrections.

BCMC estimates \$303.6 thousand would be collected in FY 06 should the misdemeanor penalty fee be assessed at \$10 dollars. Accordingly, it is estimated that revenues from the fee assessed at \$20 dollars would be twice as much resulting in \$606.2 thousand collected.

AOC estimates that an increase of \$10 to the corrections fee in Bernalillo County would generate approximately \$303.6 each year.

### **ADMINISTRATIVE IMPLICATIONS**

The enactment of HB 1078 may result in minimal increased administrative workload for collection and tracking of collected fees.

### **TECHNICAL ISSUES**

AOC suggests that if the goal of the bill is to make the penalty assessment consistent with court collections of fees established in 35-6-1, then the language should state: “in a county with a metropolitan court there shall be an assessment of \$10.00 to help defray the costs of local government corrections.”

BCMC suggests that if the Bill intends to impact the amount of the fee collected when cited drivers are convicted in Court of a misdemeanor, then the issue should be clarified in NMSA 1978, Section 35-6-1 D(1). The Court suggests clarifying whether the intended amendment only applies to those cited drivers who elect to pay their traffic tickets, rather than those drivers taking

their citation to Court.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

BCMC will not collect misdemeanor fees for local government corrections. The corrections fee in metropolitan court's will remain \$10 dollars.

**EM/rs**