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FISCAL IMPACT REPORT

SPONSOR Boykin DATE TYPED 3/8/05 HB HJM 31/aHJC

SHORT TITLE Study Establishing Dona Ana Metro Court SB _____

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		Indeterminate	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

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

No response received from the Municipal League

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment removes language stating that should a Dona Ana Metropolitan Court be created, “there would be more effective and professional oversight of a Dona Ana county metropolitan court by the Administrative Office of the Courts.”

Synopsis of Original Bill

House Joint Memorial 31 calls for the AOC to study the appropriateness of establishing a Dona Ana county metropolitan court, and to report the findings of the study to the corrections oversight, courts and justice committee by Nov. 20, 2005.

The Memorial cites support for the proposed study by the City of Las Cruces, the Judges of the Third Judicial District, the Dona Ana County Sheriff and New Mexico State University. The supporters of House Joint Memorial 31 propose that replacing the current Dona Ana county municipal and magistrate courts with a metropolitan court would provide more effective and professional oversight by the Administrative Office of the Court.

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In 1979, legislation was enacted allowing a county with a population of over 200,000 people to establish a metropolitan court. Currently, Bernalillo County is the only county in New Mexico to have established a metropolitan court.

Significant Issues

At this point, the AOC reports, the Supreme Court and the AOC have taken no position on the advisability of establishing a Dona Ana County metropolitan court. The AOC asserts that it will conduct a study if requested by the Legislature. AOC further states that only minimal information would be able to be gathered without an appropriation allocated and that there is no appropriation proposed in the bill to conduct the study.

Bernalillo County Metropolitan Court (BCMC) cites that House Joint Memorial 31 proposes a study that would investigate an opportunity for the citizens of Dona Ana County to rely on a single limited jurisdiction court.

According to BCMC, a metropolitan court would allow the following: 1) all Judges would be experienced attorneys; 2) DWI, Domestic Violence and Civil cases would be adjudicated by a "court of record" (appeals from such cases would be determined upon the District Court's review of the record – not via a new trial); and, 3) misdemeanor, local ordinance and civil cases involving less than \$10,000 would be handled more efficiently by a single court rather than by two courts. BCMC asserts that a single court process is more efficient and that the three listed characteristics of a metropolitan court would be beneficial.

PERFORMANCE IMPLICATIONS

The additional administrative responsibilities assigned to AOC could result in less productivity in other tasks.

The study may result in performance enhancing finding for the judiciary, Las Cruces and Dona Ana County.

FISCAL IMPLICATIONS

No appropriation is proposed in HJM 31. The AOC asserts that there would be a significant financial impact involved in conducting the proposed study.

ADMINISTRATIVE IMPLICATIONS

Use of AOC resources is proposed by House Joint Memorial 31 to complete the study and would result in administrative impact.

OTHER SUBSTANTIVE ISSUES

According to the U.S. Census Bureau, approximately 182.2 thousand people reside in Dona Ana County. The Dona Ana County website includes an estimate that 300+ thousand people will live in the county by 2015.

POSSIBLE QUESTIONS

1. Is there an estimated cost associated with the proposed study? How much is estimated?

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