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FISCAL IMPACT REPORT

SPONSOR Robinson DATE TYPED 02/09/05 HB _____

SHORT TITLE Second District Temporary Judges SB 494

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$75.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General (AGO)
 Corrections Department
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 494 appropriates \$75 thousand from the general fund to the second judicial district for the purpose of hiring temporary judges to hear cases of alleged probation violation. The bill gives the second judicial district the authority to hire retired judges for temporary service to hear cases of alleged probation violation.

Significant Issues

According to the AOC, the New Mexico Constitution, article VI, §15 authorizes the hiring of a retired New Mexico district judge, courts of appeals judge or supreme court justice to act as a district judge pro tempore when the district court is unable to expeditiously dispose of any cause in the district. This article further specifies that the chief justice of the supreme court designate the retired judge as the judge pro tempore. This is done through a supreme court order, which

indicates the purpose of the pro tem judge's hiring and the maximum amount the judge will be paid over the duration of the pro tem assignment.

The AOC has \$55 thousand in its budget specifically to fund pro tem judges around the entire state.

The AOC notes further that the Judiciary presents a unified budget to the Legislature each year, and has requested an additional judge for the second district court in its budget for FY 06. That additional judge at the second district court may obviate the need for the pro tem judge requested by this bill.

Both the Corrections Department and the PDD note that busy dockets cause delays in hearing probation revocations, which means the alleged violators spend more time in county jail awaiting hearing.

FISCAL IMPLICATIONS

The appropriation of \$75 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY 06 shall revert to the general fund.

EF/njw