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FISCAL IMPACT REPORT

SPONSOR Rawson DATE TYPED 3/14/05 HB _____
SHORT TITLE Dona Ana Court Consolidation Study SB 831/aSFC
ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$25.0 - \$35.0		

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee amendment removes the appropriation and deletes sections that reimburse committee members for per diem and mileage. Agencies are being requested to conduct the study with existing staff and resources. The costs will be determined by how often the committee meets and what impact the committee recommendations will have on the courts.

Synopsis of Original Bill

Senate Bill 831 appropriates \$60 thousand from the general fund to the AOC in FY06 to create a committee of 15 members to study the effectiveness and judicial efficiency of community-based judicial systems in other areas and determine the feasibility of creating a consolidated magistrate and municipal court system for Dona Ana County.

The Committee will report its findings to the City Council, the Board of County Commissioners and the New Mexico Legislature by December 1, 2005.

Significant Issues

The AOC will seek direction from the New Mexico Supreme Court in selecting the fifteen members as follows:

- A district judge from the third judicial district, appointed by the chief judge of the district;

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- A Dona Ana county magistrate judge, appointed by the AOC Director;
- A municipal judge from the city of Las Cruces, appointed by the AOC Director;
- Three attorneys who commonly practice in the Dona Ana magistrate court or the city of Las Cruces municipal court, appointed by the third judicial district bar association;
- One public member appointed by the mayor of the city of Las Cruces;
- One public member appointed by the board of county commissioners for Dona Ana county;
- One administrative employee from the Dona Ana county magistrate court, appointed by the magistrates;
- One administrative employee from the city of Las Cruces municipal court, appointed by the municipal judges;
- One administrative employee from the third judicial district court, appointed by the district judges;
- One designee of the director of the AOC;
- The district attorney for the third judicial district;
- The district public defender for the third judicial district; and
- A member of the city council of the city of Las Cruces, appointed by the city council.

PERFORMANCE IMPLICATIONS

Magistrate and metropolitan courts are courts of limited jurisdiction confined to a city or local community. Jurisdiction is generally limited to criminal and traffic offenses arising from violation of local ordinances. Juvenile matters, such as truancy, underage drinking, drug offenses and curfew violations have become a large part of municipal court caseloads within the last few years.

FISCAL IMPLICATIONS

The AOC anticipates travel and per diem will be paid for committee participants.

The appropriation of \$60 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY06 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The AOC anticipate additional staff time will be devoted to committee efforts.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HJM 31, requiring the AOC to conduct a feasibility study for the establishment of a Dona Ana county metropolitan court, but with no appropriation.

TECHNICAL ISSUES

The AOC believe the bill is unclear as to which agency will conduct the study.

AHO/lg:yr