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FISCAL IMPACT REPORT

ORIGINAL DATE 2/10/07

SPONSOR Jennings LAST UPDATED _____ HB _____

SHORT TITLE Tolling Time for Judgment Enforcement SB 892

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

SB 892 amends Section 37-1-2 NMSA 1978 to provide for the tolling of the statute of limitations for enforcing judgments under the following circumstances:

- (1) the location of the judgment debtor is not known to the judgment creditor, and the judgment debtor cannot be located through reasonable diligence;
- (2) the judgment debtor is incarcerated in a penal institution;
- (3) the judgment debtor is protected by the automatic stay provision of 11 U.S.C. Section 362;
- (4) the judgment debtor is in a foreign jurisdiction that does not provide the same opportunities for collecting the debt as in the United States; or
- (5) The judgment debtor is offered protection under state or federal law that substantially impairs the ability of the judgment creditor to pursue enforcement of the judgment.

SB 892 also amends Section 39-1-6 NMSA 1978 to provide that a money judgment rendered in a court shall be enforced for not more than 14 years, unless the statute of limitations is tolled

pursuant to the Section 37-1-2 amendment.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced judgment enforcement actions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The verb “toll” may be defined as to delay, suspend or hold off the effect of a statute.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/mt