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FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/07

SPONSOR Lopez LAST UPDATED _____ HB _____

SHORT TITLE LOCAL GOVERNMENT CORRECTIONS COSTS SB 1096

ANALYST Propst

REVENUE

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	\$484.1	\$484.1	Recurring	Local Government Corrections (for benefit of Bernalillo County)

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Bill 1096 amends the motor vehicle penalty assessment misdemeanor fees section (Section 66-8-116.3 NMSA 1978). The bill requires Bernalillo County Metropolitan Court to impose and collect a \$10.00 local government corrections fee on all adjudications of guilty when the violator is cited to court pursuant to the motor vehicle penalty assessment section. This would bring the total add-on fees collected by Metropolitan Court to \$54.

FISCAL IMPLICATIONS

SB 1096 has no fiscal implications for the Bernalillo County Metropolitan Court ("Court"). Any fees generated by the additional penalty assessment would not be retained by the Court, but would be remitted to the State Treasurer. Unlike other fees collected under NMSA 1978 Section 66-8-116.3, however, the bill does not state into which fund the fee would be deposited. Based on the fees collected in fiscal years 2003 through 2006, the Court estimates that \$484.1 would be collected by the Court in fees on annual basis.

Source: Metropolitan Court Administration

SIGNIFICANT ISSUES

DFA reports that SB 1096 represents a technical fix. Section 35-6-1 NMSA 1978 – “Magistrate

Court fees” already has the \$10 local government corrections fee for courts in counties with a metro court. If the violator actually comes to metro court to contest the citation and is found guilty, the Court already has the authority and requirement to impose and collect the \$10 local government corrections fee. However, the vast majority of motor vehicle violators cited in Bernalillo County accept the penalty assessment and pay the fine and add-on fees by mail. This bill simply equalizes the add-on fees between the two structures. The total fees under current law for a PA citation in Bernalillo county are \$44, with no fee for local government corrections. This bill would bring total fees to \$54 for motor vehicle violators who choose to accept the penalty assessment.

According to Bernalillo County officials, the County previously had misdemeanor penalty assessment add-on fees in place for local government corrections. However, the former \$10 local government correction fee was replaced in Bernalillo County with a \$24 court facilities add-on fee. This new fee was used as the revenue stream to float bonds for construction of the new Metropolitan Courthouse. This left the County without that revenue source to pay for escalating incarceration costs. The intent of this bill is to give counties with a metro court system the same revenue source as other counties have for defraying detention costs. In fact, the level of local government corrections fee proposed in this bill is \$10, compared to \$20 local government corrections fee for violations cited into magistrate court.

The Bernalillo County jail operating budget has grown from \$18.4 million in 1995 to \$54.8 million in 2007. This represents a 9.5% annual (compounded) increase in expenditures. At this rate- an annual increase in expenditures of 9.5% - the operating budget for Bernalillo County's Jail will exceed \$100 million in seven years.

Source: Bernalillo County Administration

DUPLICATION

Duplicates HB 1016.

WEP/mt