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FISCAL IMPACT REPORT

ORIGINAL DATE 1/21/08

SPONSOR Rawson LAST UPDATED _____ HB _____

SHORT TITLE Additional Third District Judgeship SB 10

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$181.2	Recurring	General Fund
	\$36.3	Non-Rec	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total			\$179.6	\$179.6	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Corrections (DOC)

SUMMARY

Synopsis of Bill

This bill creates and provides for an appropriation for a district court judgeship in the Third Judicial District.

The bill provides for the district judge to be appointed by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico.

The bill provides for an appropriation of \$217,535 for salaries and benefits and furniture, supplies and equipment for the additional judge and support staff.

The effective date of the Act is January 1, 2009.

Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the general fund.

FISCAL IMPLICATIONS

There is sufficient funding for the new judge and support staff to start on January 1, 2009. There is sufficient funding for the new magistrate to start on January 1, 2009. The appropriation only covers 50 percent of salaries and benefits since, due to the judicial election cycle, the new judge will only serve for half the fiscal year. After FY09 there will be a total recurring cost of \$360,870.

According to the Department of Corrections, when a new judge position is created, that position requires two new probation and parole officers (2 FTEs) in order to properly supervise the number of offenders placed on probation/parole by that new judge.

The bill might generate a minimal amount of revenue for NMCD because offenders placed on probation or parole by the new judge would have to pay monthly probation or parole supervision fees. These fees are then placed into the Intensive Supervision Fund. The monthly fees are not less than \$25 per month and not more than \$150 per month.

SIGNIFICANT ISSUES

In July 2007, the New Mexico Sentencing Commission published a report commissioned by the National Center for State Courts (NCSC) that examined case filing data to determine the need for judges as well as related staff in the offices of the district attorneys and the public defenders. The study shows need for 24 district judges statewide. The Unified Budget request seeks to partly address the gap by seeking the creation of seven district court judgeships, of which four district court judgeships, including this one, are deemed critical.

This proposed judgeship is included in the judiciary's unified budget.

PERFORMANCE IMPLICATIONS

FY 08 is the fifth year that the courts are participating in performance based budgeting. This bill may have an impact on the measures of the district in the following areas:

- cases disposed as a percent of cases filed (district and magistrate);
- percent change in case filings by case type (district); and
- clearance rate.

ADMINISTRATIVE IMPLICATIONS

The possible long-term administrative effect on the courts upon passage of this bill would be more efficient and expeditious disposal of cases in the district court.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates part of a larger "Judgeship Bill" which will be sponsored by Representative Kiki Saavedra on behalf of the AOC but which has not yet been assigned a number.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Potential consequences of not funding Senate Bill 9 are that the increase in current caseloads would result in a backlog of cases and may result in some of those being dropped.

CS/mt