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FISCAL IMPACT REPORT

ORIGINAL DATE 2/8/09

SPONSOR Picraux LAST UPDATED _____ HB 542

SHORT TITLE Increase Judicial Education Fee SB _____

ANALYST Wilson

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	\$225.0	\$400.0	Recurring	Judicial Education Fund

(Parenthesis () Indicate Revenue Decreases)

Relates to Appropriation in the General Appropriation Act

Relates to HB 542 relates to HB 263 and HB 336

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Bernalillo County Metropolitan Court (BCMC)

SUMMARY

Synopsis of Bill

House Bill 542 will increase to \$3 from \$2 the judicial education fee added on to all misdemeanor, petty misdemeanor and penalty assessment misdemeanor fines. All proceeds will continue to go toward operation of the Judicial Education Center (JEC) at the Institute of Public Law, UNM School of Law.

FISCAL IMPLICATIONS

The proposed increase in the judicial education fee will not itself affect the general fund, since all new revenue will be paid by people convicted of certain offenses. If the bill is enacted, the additional support through the judicial education fund will result in a net addition of approximately \$225,000 for the first year for the purpose of providing judicial education including children's law programs for the judiciary. In future fiscal years, the funding will increase to approximately \$400,000.

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The JEC provides education and training for all state and local court judges and staff in New Mexico, as well as services to tribal courts, including conferences, publications, and web-based services. Its primary source of funds has been the judicial education fee, which has remained at \$2 per offense since 2003. The increase proposed by this legislation will generate new funds to compensate for the reduction in state general funds of \$186,000 appropriated to the JEC in the General Appropriation Act for FY 2010.

The funding will also be used to provide up to \$45,000 for educational programs for the judiciary conducted by the Corrine Wolfe Children's Law Center (CLC). This also will compensate for the approximately \$45,000 in general fund cuts proposed for FY 2010 for CLC.

SIGNIFICANT ISSUES

AOC provided the following:

The New Mexico Supreme Court supports this legislation.

The JEC provides vital services in orienting, updating, and enhancing the knowledge, skills and abilities of attorney and non-attorney judges and court staff in all the courts of New Mexico, including providing publications and some training to tribal courts.

This legislation provides a way of allowing JEC to fulfill its statutory obligations

Failure to enact the legislation will leave the JEC and CLC with a reduced budget next fiscal year due to cuts to their general fund appropriations. Enacting the legislation will enable the JEC and CLC to maintain their high quality services provided to the judiciary.

ADMINISTRATIVE IMPLICATIONS

Since all mechanisms for the collection and allocation of the judicial education fee and fund are already in place, this legislation will simply require the courts and the Taxation and Revenue Department to change the amount of the fee collected with each fine on their forms and records by July 1, 2009.

RELATIONSHIP:

HB 542 relates to HB 263, Increase Civil Case Court Automation Fee and HB 336, Increase Public Employee Per Diem & Mileage.

If legislation is enacted that allows for an increase in mileage and per diem, this will impact the JEC's costs very heavily.

DW/mt