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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/12

SPONSOR Park LAST UPDATED _____ HB 168

SHORT TITLE Public Safety Equipment Fund SB _____

ANALYST Sánchez

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY12	FY13	FY14		
	Up to \$106 plus Interest	\$307.6 plus Interest	Recurring	Other State Funds

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Up to \$106	Up to \$307.6	Up to \$307.6*	Recurring	Other State Funds

(Parenthesis () Indicate Expenditure Decreases)

* Three year estimated budget impact assumes the department could budget up to the maximum amount available.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 168 amends Section 31-12-7 NMSA 1978, Motor Vehicles, Influence of Intoxicating Liquor or Drugs; Fee upon Conviction. The bill creates a \$50 public safety equipment fee and a new non-reverting fund, public safety equipment fund, in which to deposit the fees. The bill requires the courts to assess and collect the fee on all convictions of Section 66-8-102 NMSA 1978 or a municipal ordinance that prohibits driving while under the influence of intoxicating liquor or drugs. Balances in the fund are subject to appropriation to the department of public safety for purchase of safety equipment.

FISCAL IMPLICATIONS

Based on the convictions included in the FY11 New Mexico Judicial Branch Annual Report Statistical Addendum, the fee could provide as much as \$307.6 thousand assuming that the conviction rate and number of cases remains at the FY11 level. The following table provides additional information.

Case Type	Trial Conviction	Plea Before Trial	Nolle Pros	Total	Public Safety Equipment Fee	Total Estimated Annual Revenue
DWI Felony	2	121	9			
DWI Misdemeanor	504	4,985	530			
Totals	506	5,106	539	6151	\$50	\$307,550

The Administrative Office of the Courts (AOC) reports once the fee is imposed on persons convicted of driving under the influence of intoxicating liquor or drugs, it is collected and deposited at the Magistrate, District and Metro court level. On a monthly basis, those collections are sent to the Administrative Office of the Courts (AOC) where it is deposited into the Crime Lab Fee Agency Fund (Fund 68700), reconciled and sent to Department of Public Safety on a monthly basis. FY 10 total collections for the \$75 DWI Prevention fee were \$651,716 and FY11 total collections were \$588,560. Projected annual collections for the new \$50 fee proposed based on FY11 total collections of \$75 DWI Prevention Fee would be \$392,350 using estimated number of convictions ($\$588,560 / \$75 = 7,847$ estimated convictions; $7,847 \times \$50 = \$392,350$) or projected collections of \$394,335 using percentage of new fee ($\$50 / \$75 = 67\%$; $\$588,560 \times 67\% = \$394,335$). In FY13 it is estimated that half the amount would be collected because many cases filed after July 1, 2012 would not be disposed of until later in the year.

According to the Department of Public Safety, there are fiscal implications to the New Mexico Department of Public Safety from passage of the proposed legislation. On its face, the fund may create revenue on the magnitude of eight hundred fifty thousand dollars (\$850,000.00) annually given the fifty dollar (\$50.00) assessment and the fact that averaged over the last three years roughly seventeen thousand (17,000) DWI cases have been adjudicated per year.

Continuing Appropriations language

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

SIGNIFICANT ISSUES

The courts are not always able to collect all fees assessed and instead allow a defendant to perform community service. Furthermore, the collection of this fee would not take priority over previously established fees.

ADMINISTRATIVE IMPLICATIONS

According to the AOC, it currently collects fines and fees (from all court types), deposits and reconciles a total of 20 agency funds in addition to its 16 operating funds on a monthly basis. This new fee would add an additional process of deposit, reconciliation and distribution to the Department of Public Safety to the numerous monthly reconciliations and distributions by operating transfer to numerous funds, agencies and local governments.

Additionally, the AOC would need to incorporate the new fee into its internal accounting system software, RCS, which is used for receipting all incoming remittances from all courts. The AOC uses RCS to reconcile to the banks for the Magistrate Courts, and to the District and Metro courts deposits on a monthly basis. This change requires programming changes to the software. In addition, all courts must incorporate the new fees into existing case management systems which are now in the process of being upgraded. Until the new Case Management System rollout is complete, there are two different case management systems that must be changed to add the new fee. These consist of the older system, FACTS and the new case management system that is currently being rolled out which is Odyssey. This new fee will also need to be added to the monthly process of reconciliation and distribution to the Department of Public Safety.

The DPS reports that it anticipates that there may be positive performance implications from passage of the proposed legislation in that the Department may be able to purchase public safety equipment on a more expedited basis, thus creating a more nimble response to public safety equipment needs.

TECHNICAL ISSUES

As mentioned in Administrative Issues of the AOC response, adding the new fee to internal receipting and case management software will require significant programming changes.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Everything remains as is.

ABS/svb

Valencia County - Belen Magistrate Court						Pending Cases			Trials		Trial Manner of Disposition				Non-Trial Manner of Disposition									
						Pend. at Start	New	Re-open	Closed	Pend. at End	0-6 mon.	>6 mon.	Inact. BW	Jury	Non Jury	Con-viction	Acquit.	Plea At Trial	Dism. At Trial	Dism. Bef Trial	Plea Before Trial	Dism. by Pros.	Post Judg. Activity	Other
DOMESTIC VIOLENCE MISD	75	99	1	115	60	30	6	24	1	79	2	0	37	41	3	9	21	1	1					
DWI FELONY	8	12	1	16	5	1	2	2	0	9	0	0	8	1	0	0	6	0	1					
DWI MISDEMEANOR	220	128	13	225	136	52	9	75	2	189	0	0	99	92	5	3	13	13	7					
FELONY	240	348	2	343	247	75	25	147	0	51	3	0	41	7	0	8	215	3	68					
MISDEMEANOR	780	691	4	861	614	161	51	402	1	447	7	0	75	366	44	278	87	3	1					
TRAFFIC	963	2432	1	2472	924	341	13	570	1	82	7	0	4	72	878	1500	9	1	1					
TOTALS	2286	3710	22	4032	1986	660	106	1220	5	857	19	0	264	579	930	1798	351	21	79					
Valencia County - Los Lunas Magistrate Court						Pending Cases			Trials		Trial Manner of Disposition				Non-Trial Manner of Disposition									
Pend. at Start	New	Re-open	Closed	Pend. at End	0-6 mon.	>6 mon.	Inact. BW	Jury	Non Jury	Con-viction	Acquit.	Plea At Trial	Dism. At Trial	Dism. Bef Trial	Plea Before Trial	Dism. by Pros.	Post Judg. Activity	Other						
DOMESTIC VIOLENCE FELONY	3	0	0	1	2	0	2	0	0	0	0	0	0	0	0	0	0	0	1					
DOMESTIC VIOLENCE MISD	124	67	0	91	100	18	30	52	5	46	29	0	5	17	11	12	16	0	0					
DWI FELONY	16	19	1	21	15	0	8	7	0	0	0	0	0	0	0	11	7	0	3					
DWI MISDEMEANOR	392	168	1	188	373	58	118	197	0	23	0	7	4	12	42	104	13	1	4					
EXTRADITION	8	7	0	7	8	0	5	3	0	0	0	0	0	0	0	0	1	0	6					
FELONY	437	318	7	353	409	68	112	229	11	4	0	0	12	3	2	30	209	3	92					
MISDEMEANOR	1739	891	8	1198	1440	224	510	706	18	261	156	2	52	69	478	279	145	8	2					
TRAFFIC	3929	4001	3	4437	3496	511	2160	825	5	92	81	1	6	9	1736	2560	28	3	10					
TOTALS	6648	5471	20	6296	5843	879	2945	2019	39	426	266	10	79	110	2269	2996	419	15	118					
Statewide Magistrate Court						Pending Cases			Trials		Trial Manner of Disposition				Non-Trial Manner of Disposition									
Pend. at Start	New	Re-open	Closed	Pend. at End	0-6 mon.	>6 mon.	Inact. BW	Jury	Non Jury	Con-viction	Acquit.	Plea At Trial	Dism. At Trial	Dism. Bef Trial	Plea Before Trial	Dism. by Pros.	Post Judg. Activity	Other						
DOMESTIC VIOLENCE FELONY	338	572	11	608	314	99	146	69	1	31	6	9	13	4	78	67	182	10	241					
DOMESTIC VIOLENCE MISD	4984	5207	36	5504	4727	1644	1480	1603	109	675	160	90	198	336	961	1607	1975	30	133					
DWI FELONY	625	883	26	978	555	125	274	156	1	34	2	8	23	2	41	121	171	30	593					
DWI MISDEMEANOR	11774	6967	79	8554	10268	2183	3090	4995	209	875	394	137	348	205	798	4985	1486	64	145					
EXTRADITION	261	854	5	822	299	56	236	7	0	2	0	1	0	1	13	0	37	5	754					
FELONY	11517	12263	150	12966	10962	2283	3632	5047	17	423	64	135	185	56	731	950	4097	146	6594					
MISDEMEANOR	28875	28053	68	29665	27344	6802	5293	15249	87	2395	868	96	545	972	9075	13563	3991	68	413					
TRAFFIC	94140	96483	38	102604	88069	15750	31537	40782	42	6261	3991	190	712	1406	32876	56192	6715	34	401					
TOTALS	152514	151282	413	161701	142538	28942	45688	67908	466	10696	5485	666	2024	2982	44573	77485	18654	387	9274					

Bernalillo County - Metropolitan Court
Statistics for the period 7/1/2010 through 6/30/2011

CIVIL STATISTICS					Trials			Non-Trial Manner of Disposition							
	New	Re-open	Closed	Pending at End*	Jury	Non-jury	Total Trials	Uncontested/ Default	Pleading	Dismiss before	Withdrawn before	Settled before	Transfer before/ during	Inactive Status	Total Non-Trial
GENERAL CIVIL	6,179	17	5,425	10,978	2	584	586	2,244	121	1,437	32	267	1	737	4,839
LANDLORD TENANT	10,647	24	10,709	1,528	0	6,635	6,643	2	0	4,023	5	6	0	30	4,066
TOTALS	16,826	41	16,134	12,506	2	7,219	7,229	2,246	121	5,460	37	273	1	767	8,905

CRIMINAL STATISTICS					Jury Trials				Bench Trials				Non-Trial Manner of Disposition		
	New Cases	Re-open Cases	Closed Cases	Pending at End	Guilty	Not Guilty	Dismissed	Total Jury Trials	Guilty	Not Guilty	Dismissed	Total Bench Trials	Pleas	Dismissed	Notles
MISDEMEANOR	21,326	93	22,487	19,824	1	4	0	5	623	54	36	713	7,272	13,833	682
DWI - FELONY	155	0	11	27	0	0	0	0	0	0	0	0	0	2	9
DWI/DUI	4,812	234	4,809	4,528	47	16	0	63	295	63	4	362	2,745	1,109	530
TRAFFIC	62,092	7	61,478	41,449	0	0	0	0	3,939	47	6	3,992	22,584	34,537	365
FELONY	7,425	1	2,801	2,578	0	0	0	0	0	0	0	0	0	258	2,543
DOMESTIC VIOLENCE	5,149	43	4,156	4,567	7	38	2	47	11	21	3	35	199	2,624	1,251
PARKING	1,523	0	1,570	370	0	0	0	0	176	29	5	210	429	887	44
TOTALS	102,482	378	97,312	73,343	55	58	2	115	5,044	214	54	5,312	33,229	53,250	5,424

Total Cases **119,308** **419** **113,446** **85,849** **Jury Trials** **117** **Bench Trials** **12,531**

Note: Pending Cases are non-traffic cases less than 2 years old with no disposition and cases over 2 years old with an outstanding warrant; and TR and parking cases less than one year old with no disposition and those over 1 year old with an outstanding warrant.

*Due to Odyssey migration, Civil pending is as of 9/14/11