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FISCAL IMPACT REPORT

ORIGINAL DATE 02/16/13

SPONSOR HJC LAST UPDATED _____ HB 178/HJCS

SHORT TITLE Electronic Criminal Citations & Fees SB _____

ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Indeterminate*	Indeterminate*	Indeterminate*	Recurring	Local Government Funds

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Impact

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

New Mexico Department of Transportation (NMDOT)

SUMMARY

Synopsis of Bill

House Judiciary Committee Substitute for House Bill 178 provides for use of a paper citation or its equivalent in electronic form for certain petty misdemeanors and traffic violations. Regardless of the form of citation, a physical copy must be delivered to the person cited. An electronic traffic citation may be signed electronically, and the law enforcement officer's copy of a citation may be filed with the court electronically.

The effective date of this bill is July 1, 2013.

FISCAL IMPLICATIONS

No fiscal impact to any state funds is anticipated. However, there likely will be costs to local governments to enable their law enforcement agencies to purchase software programming to communicate with the courts' system.

SIGNIFICANT ISSUES

The AOC stated in a previous analysis that a move to electronic citations benefits the efficiency of the courts. There is less paper generated and it saves court clerk time when an electronic citation is sent directly into the court's case management system. It noted, however, the expansion of the use of electronic citations is in the realm of local law enforcement and is determined by each agency's decision to implement that system, including the acquisition of funding for that process.

The NMDOT reported in a previous analysis:

A goal of the NMDOT Traffic Safety Division (TSD) is to develop a traffic records system following the National Highway Traffic Safety Administration's (NHTSA) model performance measures. HB 178 will support the citation and adjunction model performance measures by allowing the electronic citation to be signed electronically and allowing the law enforcement officer's copy of the citation to be filed with the court electronically. The State already allows the electronic collection and distribution of a motor vehicle crash report; this bill extends this practice with traffic citations.

Processing citations electronically will support TSD's traffic records program performance measures to meet objectives including timeliness, accuracy, completeness, uniformity, integration, and accessibility. Currently, the traffic records program is implementing an electronic citation transfer between the Dona Ana Sheriff's office and the Dona Ana Magistrate Court utilizing an electronic citation and crash data collection system called Traffic and Criminal Software (TRaCS) and the Court's Odyssey system.

PERFORMANCE IMPLICATIONS

The NMDOT advised in that earlier analysis that the new federal surface transportation bill, Moving Ahead for Progress in the 21st Century (MAP-21), requires states to use their safety data systems to identify hazardous locations, sections, and elements that are a danger to all road users, including vehicle occupants and non-occupant users of the roadway (e.g., pedestrians and bicyclists), and to identify fatalities and serious injuries on all public roads by location. (23 U.S.C. 148 (c)(2)(B)(i) and (iii)). If enacted, HB 178 will assist in the electronic transfer of data to the necessary stakeholders in order for such data to be more readily available for end-users.

OTHER SUBSTANTIVE ISSUES

The NMDOT also explained that the New Mexico Statewide Traffic Record System (STRS) is a multi-phase, multi-year program created to integrate the electronic collection and transmission of traffic records data with the development of traffic safety programs aimed at reducing traffic-related crashes, fatalities and injuries. STRS seeks to enhance the ability of traffic records agencies, partners and stakeholders to provide and deliver timely, accurate, complete, uniform and accessible traffic safety data to address traffic-related concerns and improvements. STRS is designed to ensure that data is available to support traffic safety programs statewide. Eliminating manual paper processes will assist in moving this program forward.