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FISCAL IMPACT REPORT

ORIGINAL DATE 02/01/21

SPONSOR Cadena LAST UPDATED HB 146

SHORT TITLE Transfer Some Duties to District Courts SB

ANALYST Dick-Peddie

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)
Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 146 (HB146), legislation sponsored and vetted by the Judiciary’s Unified Budget process, proposes to transfer certain supervisory and other duties currently under the purview of the Administrative Office of the Courts (“AOC”) and relating to the magistrate courts to the chief district court judge or the district court for the corresponding judicial district.

Under HB146, the chief district court judge would take responsibility for designating the presiding magistrate judge, certify to the governor, with notice to the AOC, any magistrate-judge vacancies; and approve magistrate judges’ salaries and expenses.

HB146 provides that each district court would share supervisory authority with the New Mexico Supreme Court, oversee the filing of standardized monthly reports, maintain a special trust fund checking account for the magistrate courts in its judicial district, employ and select magistrates’ clerical assistants; and collect, hold in trust, and disburse monies secured in connection with civil and criminal actions. Additionally, any magistrate court drug-court fees previously remitted to the AOC would, under HB146, be paid into the drug-court fund of the appropriate judicial district.

Finally, HB146 removes subsection (C), the penalty provision of NMSA 1978, § 35-7-5, in its entirety, which establishes a misdemeanor charge for magistrate judge that mishandles court fees. A violation of Subsection C also mandates removal from office and forfeiture of any public office for four years.

FISCAL IMPLICATIONS

In 2018, district and magistrate courts consolidated in an effort to save state time and resources by shifting the management of magistrate courts from the Administrative Office of the Courts (AOC), located in Santa Fe, to local district courts. Though some districts still face small shortfalls associated with the consolidation, overall, providing district courts authority over magistrate courts (and in some cases even collocating court facilities) was successful in reducing wasted time and resources, especially in rural districts, from AOC attempting to manage all magistrate courts from Santa Fe. These savings indicate that further extending local control over magistrate courts would result in a minimal, but positive, fiscal impact.

SIGNIFICANT ISSUES

HB146 completely eliminates NMSA 1978, § 35-7-5(C). Section 35-7-5(C), which provides for a misdemeanor for a magistrate judge who mishandles court fees, and mandates removal from office and forfeiture of any public office for four years if Subsection C is violated. If the legislative intent is to remove this portion of existing statute because district court judges will now be in charge of such fees, there is no similar safeguard to charge district court judges with the misuse of court fees.

PERFORMANCE IMPLICATIONS

District and magistrate courts report on key aspects of a functional judicial system, including time to disposition and number of jury trials held per district. AOC suggests in agency analysis that enacting HB146 would improve court performance outcomes for these measures through providing “district courts all the authority needed to fully administer the day-to-day operations of the magistrate courts, allowing the goal of local support and oversight of the magistrates by the districts to be fully realized.”

ADP/sb