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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 95/aHf1/aSJC

SHORT TITLE: Additional Second Judicial District Judgeship

SPONSOR: Hochman-Vigil

LAST ORIGINAL
UPDATE: 02/16/2026 **DATE:** 01/16/2026 **ANALYST:** Jacobs

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Judiciary	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	Recurring	General Fund
Total	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Duplicates Senate Bill 35

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Administrative Office of the Courts

Administrative Office of the District Attorneys

Public Defender Department

New Mexico Attorney General

SUMMARY

Synopsis of SJC amendment to House Bill 95

The Senate Judiciary Committee amendment to House Bill 95 creates an additional civil court judgeship in the 1st Judicial District Court.

Synopsis of HFI#1 to House Bill 95

House floor amendment #1 to House Bill 95 removes the appropriation.

Synopsis of House Bill 95

House Bill 95 (HB95) amends 34-6-5 NMSA 1978 to create an additional district judge position in the Second Judicial District Court. HB95 appropriates \$451.4 thousand from the general fund to the Second Judicial District Court for the purpose of funding a new family court judgeship,

including salaries and benefits for the judge and staff, furniture, equipment, and supplies.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

According to the Administrative Office of the Courts (AOC), the General Appropriation Act as amended by the Senate has funding to pay for a judge, a court monitor, and a trial court assistant in both districts.

AOC also reports Bernalillo County has already built a new courtroom and chambers for the judge, so there should be no need for additional capital outlay. The General Appropriation Act as amended by the Senate contains \$200 thousand in nonrecurring funding for setting up the judgeship in the 1st Judicial District.

The Administrative Office of the District Attorneys (AODA) reports the Second Judicial District Attorney would need two more attorneys and corresponding staff to cover the new judicial position.

SIGNIFICANT ISSUES

AOC provides the following for the 1st district:

The FJDC's civil caseload is substantial, not just due to filing volume but also case complexity. Data shows that wrongful death, medical malpractice and other complex claims increased significantly over the past five years in the FJDC.

There are 228 active pending cases in Division VI that are older than 600 days, and many of these are wrongful death or medical malpractice cases. 80, or 35%, of these cases involve state government litigation and/or a personal representative from another jurisdiction. Debt and money due cases are trending steeply higher following COVID and are anticipated to return to pre-COVID levels in the near future.

Finally, FJDC is in the rulemaking cycle to adopt a CMO for criminal matters because time to disposition in those matters is high. Trials are expected to increase as the FJDC implements this docket management tool. Due to both workload and limited docket flexibility, FJDC requires an additional judge.

AOC provides the following for the 2nd district:

There are currently 30 district court judges at the Second Judicial District Court. Four judges are assigned to the family court division that hears domestic violence cases, divorce, custody, parentage, child support, extreme risk firearm protection cases, kinship guardianship cases and certain adoption cases. Every other division at the Second Judicial District Court has added judges to their division, but family court has had four judges since 1997. In the past 29 years, the family court caseload has grown significantly, and new case types have been added to the court's docket.

In 2025, there were 9,473 cases filed in the family court division. Those cases are in

addition to the 2,493 cases that were still pending from the previous year. Each judge was assigned approximately 2,992 cases in 2025 on top of their caseload still open from 2024. This is a much higher caseload-per-judge than other similar family court divisions around the state

In 2025, there were 3,781 domestic violence cases filed or reopened. Judges are required to review and countersign all DV orders as well as be on-call for emergency restraining orders.

The family court division has eight hearing officers who help the judges but they have limited dockets and cannot make final binding decisions, which all must be made by the assigned judge. The need for timely decisions is hampered if parties cannot have cases either heard or reviewed by a judge in a timely fashion.

Over 75% of family court cases have at least one self-represented party. Usually both parties are unrepresented, which increases time on the bench as well as time drafting orders for the unrepresented parties.

PERFORMANCE IMPLICATIONS

The additional judgeships would improve the courts by hearing cases and issuing final decisions at a faster rate.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates Senate Bill 35, which also establishes an additional judge in both the 1st and 2nd judicial district courts.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AOC provides the following:

Without the additional judge, the court will likely need more hearing officers to address the increases in caseloads and case complexity. But that will result in longer waiting periods for final orders as a hearing officer only issues recommendations and they have thirty (30) days to issue recommendations in all non-domestic violence cases, and the parties have fourteen (14) days to object to any recommendation by a hearing officer, which sometimes results in a second hearing in front of the assigned judge and further delay.

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