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## FISCAL IMPACT REPORT

**BILL NUMBER:** CS/Senate Bill 35/ec/SFCS

**SHORT TITLE:** Create Additional First District Judgeship

**SPONSOR:** Senate Finance Committee

**LAST ORIGINAL**  
**UPDATE:** 2/14/2026 **DATE:** 1/16/2026 **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

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 95

### 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 Sentencing Commission

## SUMMARY

### Synopsis of SFC Substitute for Senate Bill 35

The Senate Finance Committee substitute for Senate Bill 35 (SB35/SFCS) amends 34-6-4 NMSA 1978 to create two additional district judgeships, one in the 1st Judicial District Court and one in the 2nd Judicial District Court. The substitute struck an appropriation of \$451.4 thousand contained in the original version bill because this amount is included in the House Appropriations and Finance Committee substitute for House Bills 2 and 3 (HB2&3/HAFCS, the General Appropriation Act) as passed by the House.

The judgeship for the 1st Judicial District Court is a civil court judgeship. The judgeship for the 2nd Judicial District Court is a family court judgeship.

This bill contains an emergency clause and would become effective immediately on signature by the governor.

## FISCAL IMPLICATIONS

HB2&3/HAFCS includes \$320 thousand for the 2<sup>nd</sup> Judicial Districts family court judgeship but does not recommend or provide funding for the 1<sup>st</sup> Judicial Districts civil court judgeship. A judgeship includes salaries for the judge and two administrative staff, with the necessary furniture, equipment, and supplies. HB2&3/HAFCS does not recommend the full \$451.4 thousand previously appropriated in SB35 because the 2<sup>nd</sup> Judicial District Court received a portion of the necessary funding during the 2025 legislative session.

The Administrative Office of the District Attorneys (AODA) reports the 1st Judicial District Attorney and 2nd Judicial District Attorney would each need two more attorneys and corresponding staff to cover the new judicial position.

## SIGNIFICANT ISSUES

The Administrative Office of the Courts (AOC) provides the following for the First:

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 2<sup>nd</sup> Judicial District:

There are currently 30 district court judges at the 2nd 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 2nd 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 percent 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 performance measures on case disposition by hearing cases and issuing final decisions at a faster rate.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The SFC substitute for SB35 would duplicate House Bill 95 to create a 2nd Judicial District Court judgeship and combine it with the original SB35, which created only the 1<sup>st</sup> Judicial District judgeship.

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