



## JUDICIARY'S FY 16 UNIFIED BUDGET SUMMARY

**In the last six years,**  
Statewide general fund appropriations **+5.43%**  
Judicial Branch's appropriation *only* **+3.64%**

The Judicial Branch continues to manage its resources in a fiscally conservative manner. Our FY16 budget request is **reasonable, necessary** and **critical** to fund court operations statewide.

### **Total Budget Request**

- FY 16 GF increase \$14,656,300\*
- \*includes GSA/MRA/JRA increases \$ 1,480,700
- Decreased other state funds \$ (2,021,900)
- Net increase over FY 15 \$12,634,400 (6.7%)
- Capital Outlay \$ 7,760,417
- Special Requests \$ 2,592,150

### **Priority No. 1 - Increase in Base Budgets of \$10,436,900 (+6.6%)**

- Courts' base budget increases \$3,790,900 (+3.4%)
- AOC base budget increase \$6,646,000 (+14.2%)

### **Priority No. 2 - AOC Statewide Programs**

Funding for three programs which are critical to courts statewide:

- Magistrate Courts \$3,096,700
- Jury & Witness Fund and Language Access \$1,666,000
- Court-Appointed Attorney Fund \$871,000

### **Priority No. 3 - Court Safety and Security**

- Critical Statewide Security Assessment \$200,000 (special appropriation)

**Priority No. 4 - Critical Personnel Additions – \$2,622,200**

- 27 additional FTEs statewide
- 10.5 positions with no general fund impact

**Priority No. 5 - Problem-Solving Courts – \$775,000**

Problem-Solving Courts continue to demonstrate significant benefits to the criminal justice system. This year's request is consistent with the Judiciary's 3-Year Plan for Growth of New Mexico Problem-Solving Court Programs.

**Priority No. 6 - Two New Judgeships and Related Staff– \$822,200**

- Second Judicial District (Albuquerque)
- Third Judicial District (Las Cruces) – Children's Court

**Priority No. 7 - Judge and Staff Compensation**

Compensation increases consistent with any across the board increases for other state employees.

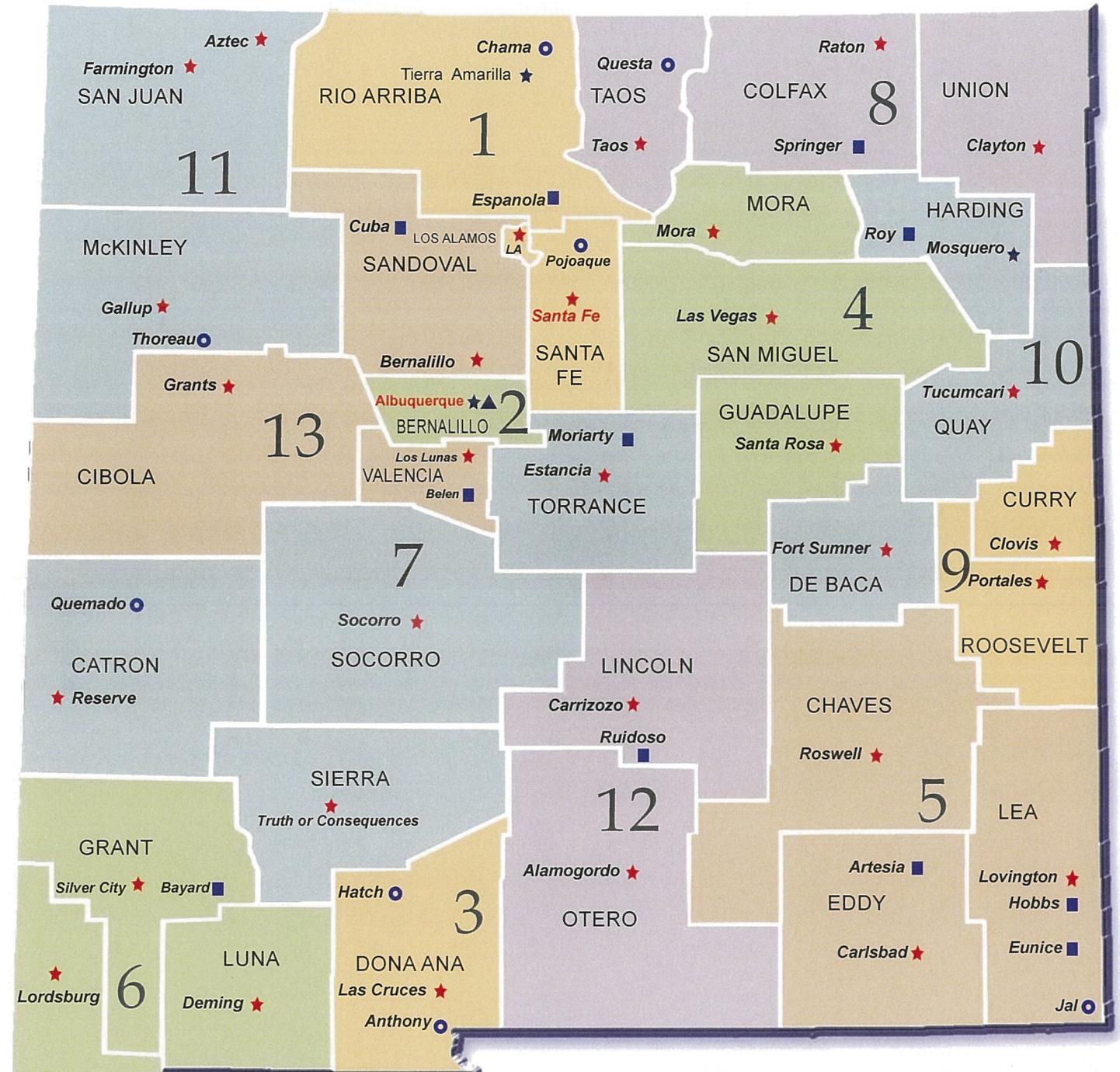
**Capital Outlay Request - \$7,760,417**

- |                           |             |
|---------------------------|-------------|
| • Critical Facility Needs | \$1,479,756 |
| • Critical Security Needs | \$1,944,969 |
| • Other Needs             | \$4,335,692 |

**Future Judicial Compensation Initiatives**

- Employee Fair Pay Committee is tasked with developing a long-term sustainable plan for increasing employee compensation.
- Judges' salaries in New Mexico are among the lowest in the country. The Judiciary will embark on developing a coordinated plan with the bi-partisan Judicial Compensation Commission to increase judicial salaries in a deliberate and sustainable manner.

# NEW MEXICO STATE COURTS



- 1<sup>st</sup> Judicial District Court**  
Santa Fe, Rio Arriba & Los Alamos
- 2<sup>nd</sup> Judicial District Court**  
Bernalillo
- 3<sup>rd</sup> Judicial District Court**  
Doña Ana
- 4<sup>th</sup> Judicial District Court**  
San Miguel, Mora & Guadalupe
- 5<sup>th</sup> Judicial District Court**  
Chaves, Eddy & Lea
- 6<sup>th</sup> Judicial District Court**  
Grant, Hidalgo & Luna
- 7<sup>th</sup> Judicial District Court**  
Torrance, Socorro, Catron & Sierra

- 8<sup>th</sup> Judicial District Court**  
Taos, Colfax & Union
- 9<sup>th</sup> Judicial District Court**  
Curry & Roosevelt
- 10<sup>th</sup> Judicial District Court**  
Harding, De Baca & Quay
- 11<sup>th</sup> Judicial District Court**  
San Juan & McKinley
- 12<sup>th</sup> Judicial District Court**  
Otero & Lincoln
- 13<sup>th</sup> Judicial District Court**  
Cibola, Sandoval & Valencia
- Bernalillo County Metropolitan Court**  
Albuquerque

**Supreme Court**  
Santa Fe  
**Court Of Appeals**  
Santa Fe & Albuquerque

- ★ District & Magistrate Courts
- ☆ District Courts
- ▲ Metropolitan Court
- Magistrate Full Courts
- Magistrate Circuit Courts



## LEGISLATION FOR 2015 LEGISLATIVE SESSION

Judgeships in the Second and the Third District courts	Add one judge and staff to the Second Judicial District Court and one Judge and staff to the Third Judicial District Court at a cost of \$822,200.
Municipal court appeals to the Supreme Court	Section 35-15-11 currently directs that appeals from municipal court on the validity of ordinances first go to district court, and then directly to the Supreme Court. This system of appeals from municipal court predates the creation of the court of appeals, which is the intermediate appellate court in New Mexico. The amendment would direct that appeals from municipal court would still first go through district court, but then through the court of appeals. HB 42 introduced in 2013 session died on Senate floor.
Civil Judgments in Magistrate Courts	There are three time limitation statutes that refer to magistrate civil judgments. The first, 39-1-20, allows seven years from the date of a magistrate judgment to execute on it. This is a relatively short period of time to balance the interests of debtors and creditors. The second, 37-1-2, allows 14 years from the date of judgment to “revive” it. This is done with a separately filed “petition for revivor.” The third, 37-1-3, allows for a claim to be filed based on a magistrate judgment within six years. Sections 39-1-20 and 37-1-2 are reconcilable. A magistrate judgment may be executed in seven years, and after seven years but before 14 years, the judgment can be revived by petition and executed again for seven years. Section 37-1-3, on the other hand, is the outlier because it provides for limitations of actions based on certain private written instruments, but a claim based on a magistrate judgment is thrown in as well. The problem is that it is possible to read 37-1-3 to suggest that a revivor petition must be filed in six years, which is clearly inconsistent with the 14 year time limit in 37-1-3. Legislation would thus amend 37-1-3 to delete all references to judgments from “courts not of record.”
Separate Jury Fund from (new) Language Access Fund	Create “Language Access Fund” with language broad enough to authorize funding for activities relating to language access (pay interpreters, provide training, operate the NMCLA on revenues, pay AOC language access staff, etc.) and fund those activities separately from the existing Jury and Witness Fund.
Statutory duties of the AOC director	Authorize the AOC director to receive non-general fund monies, expenditure of which is subject to appropriation. This legislation allows the AOC director to receive public and private funds, as is already authorized for Secretaries in the executive departments, to carry out the programs, duties or services required of the AOC. Examples would be receiving funds from attendees at a training to cover the cost of the training, or receiving out-of-state payments to the NMCLA for on-line training programs developed by NMCLA. <i>(Continued on page 18)</i>

## LEGISLATION FOR 2015 LEGISLATIVE SESSION

*(Continued from page 13)*

Credit against fines and fees for time served in county jails	The current statute can be applied in ways that may cause concern, such as credit for 8 hours at \$7.25 per hour, whether the defendant is incarcerated for any minimum time or 23 hours that day. The proposal requires a 24 hour period of incarceration with a minimum, of 8 hours on the final period of incarceration to receive credit for that day.
Sliding fee scale for ADR program	Courts are responding to the increase of self-represented litigants by working to establish court-connected ADR programs. The various filing fees are insufficient to support expanding ADR services, and there is no authority to generally assess costs. This legislation would amend Section 34-6- 45 to authorize the assessment of costs based on a sliding scale approved by the Supreme Court.
Magistrate Court compliance and probation activities	A memorial to explore Magistrate Courts employing compliance personnel and operating compliance programs.