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## FISCAL IMPACT REPORT

SPONSOR: Herrera DATE TYPED: 02/07/01 HB 221  
 SHORT TITLE: Continued Collection of Court Automation Fees SB \_\_\_\_\_  
 ANALYST: Hayes

### REVENUE

| Estimated Revenue |      | Subsequent<br>Years Impact | Recurring<br>or Non-Rec | Fund<br>Affected |
|-------------------|------|----------------------------|-------------------------|------------------|
| FY01              | FY02 |                            |                         |                  |
|                   |      | See Narrative              |                         |                  |

### SOURCES OF INFORMATION

LFC files  
 Administrative Office of the Courts

### SUMMARY

#### Synopsis of Bill

HB221 amends and repeals certain sections of the law to permit continued collection of the court automation fee in perpetuity. Specific reference is Section 35-14-11 NMSA 1978 (Laws 1983, Chapter 134, Section 6, as amended).

The bill deletes the language specifying a date of July 1, 2001 (the “sunset clause”) to terminate collection of the fees.

#### Significant Issues

Although not cited in the bill, this legislation refers to §35-14-11 NMSA 1978 (Laws 1983, Chapter 134, §6, as amended), which provides for collection of fees by municipal courts from individuals convicted of motor vehicle violations or any offense punishable by imprisonment. Money collected is distributed as follows: a \$10 corrections fee to municipalities for jail or detention facility building projects and other housing facilities for prisoners; a \$1 judicial education fee to the judicial education fund for municipal judges and staff training; and a \$6 municipal court automation fee to the municipal court automation fund for purchasing and maintaining court automation systems in municipal courts.

## **FISCAL IMPLICATIONS**

If this bill is not enacted, the recurring revenues earmarked for the municipal court automation fund will no longer be collected for that fund after June 30<sup>th</sup>. The estimated amount anticipated to be collected in FY02 would be \$970.0.

Other funds to support municipal court automation are not currently available, meaning that potential future requests for general fund monies may occur if the earmarked revenue discontinues. Repealing the sunset clause as presented in this bill maintains the status quo and provides continued funding for municipal court automation projects and services.

## **ADMINISTRATIVE IMPLICATIONS**

According to the AOC, it is essential that collection of the court automation fee be continued in perpetuity so that municipal courts may continue to meet state-mandated (1994) reporting requirements. Municipal courts are obligated to report DWI and domestic violence convictions for example. These municipal courts would face financial and technical hardship without the continuation of the automation funding. Hardware and software upgrades will continue to be necessary as well as ongoing automation education and training for municipal court judges and their staffs.

## **TECHNICAL ISSUES**

The enacting clause of the bill should contain a reference to §35-14-11 NMSA 1978 (Laws 1983, Chapter 134, § 6, as amended).

## **POSSIBLE QUESTIONS**

1. What was the original intent of terminating the municipal court automation fund as of July 1, 2001? Was it intended that other funding sources be identified to supplant this fund after the July 1, 2001 termination date?
2. If this bill is not enacted and the sunset clause is not repealed, how will the municipal courts proceed with automation services and training?
3. Why is \$970.0 needed each year for automation support services? How is this revenue spent each year and on what?
4. If revenue is used to purchase equipment, do the municipal courts maintain a fixed assets listing of that equipment?

CMH/njw