

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Adair DATE TYPED 3/18/05 HB _____

SHORT TITLE Metro & Magistrate Court Civil Action Amount SB 813/aHBIC

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Minimal See Narrative		General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General (AGO)

Bernalillo County Metropolitan Court

SUMMARY

Synopsis of HBIC Amendment

The House Business and Industry Committee amendment lowers the limit on claims that can be heard in metropolitan and magistrate courts for civil actions from the proposed \$25 thousand to \$15 thousand.

Synopsis of Original Bill

Senate Bill 813 expands the jurisdiction of metropolitan and magistrate courts for civil actions from claims up to \$10 thousand to claims up to \$25 thousand.

Significant Issues

The bill will allow cases now heard in district courts to be heard in magistrate and metropolitan courts. The AOC writes that there is no way of knowing how many cases presently filed in district court seek damages of \$25 thousand or less because plaintiffs are generally forbidden to specify the amount of damages sought in their complaints. The AOC also writes, "Recent his-

tory suggests there might not be a dramatic increase in caseload. In FY 1998, when the limit was \$5,000, new general civil filings in magistrate courts totaled 15,637. In FY 2000, after the increase to \$7500 mandated by the 1999 legislature went into effect, there were 12,927 new general civil filings. In FY 2001 there were 14,428. In 2001 the legislature raised the amount again, to \$10,000. In FY 2002 new general civil filings totaled 13,444; in FY 2003, 13,418; and in FY 2004, 15,312.”

The Bernalillo county metropolitan court takes a differing view and writes that the bill would greatly swell the civil caseload of the court and raise the workload for the judges and court employees. The Bernalillo county metropolitan court argues that sufficient additional appropriations should be made and predicts that the court will need to fund an additional judgeship and more court staff positions.

FISCAL IMPLICATIONS

The statistics regarding court filings provided by the AOC suggest that the change proposed in this bill will not have a significant impact on caseload. However, if the predictions of the Bernalillo county metropolitan court or accurate, the bill may require shifting of resources from district courts to metropolitan and magistrate courts.

EF/yr:lg