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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/21/05

SPONSOR Swisstack LAST UPDATED \_\_\_\_\_ HB 61

SHORT TITLE Additional Judge in 13<sup>th</sup> District SB \_\_\_\_\_

ANALYST McSherry

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$313.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Companion to Senate Bill 148.  
Relates to House Bills.... And Senate Bills...

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Public Defender (PD)

### SUMMARY

#### Synopsis of Bill

House Bill 61, "Additional Judge in the 13th District" appropriates \$313,000 from the general fund to the 13 Judicial District for the purpose of funding one new judgeship and three associated staff. The bill also amends the statutorily-set number of judges in the 13<sup>th</sup> Judicial District from six to eight and designates the new judgeship position's location to be in Sandoval County. The current statute places three judges in Valencia, two in Sandoval and one in Cibola.

### FISCAL IMPLICATIONS

The appropriation of \$313,000 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

### SIGNIFICANT ISSUES

According to the Public Defender, for each new judge, the Department will need funding for additional employees. The bill does not include funding for public defender contracts or salaries, or for district attorneys. Sandoval County uses contract public defenders and according to the

department, a new \$75 thousand dollar contract would be required to fund a contract public defender associated with the bill's proposed judge.

The 13<sup>th</sup> Judicial District is ranked 2<sup>nd</sup> to the 5<sup>th</sup> Judicial District in the judiciary's priorities for new judgeships.

The priority ranking of the judiciary's judgeship request is based upon a judgeship study conducted in 1997. The case-loads have been updated in the prioritization, however the "case-weights," the relative value associated with each category of case, has not been updated since 1997.

Eight new judgeships, including three district court judges were created in FY06. The 13<sup>th</sup> Judicial District was not prioritized among the top eight requests in FY06.

#### **PERFORMANCE IMPLICATIONS**

Should HB 61 pass, the caseload of the judges in Sandoval County would decrease by 33 percent. The increase in time available per case should increase the performance of this court. The court has not proposed targets associated with the proposed increase, however the "percent cases disposed" measure's outcome should improve.

#### **ADMINISTRATIVE IMPLICATIONS**

The four additional employees (1 judges and 3 associated staff) will increase the administrative workload for the 13<sup>th</sup> Judicial District court.

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

House Bill 61 is a companion bill to ... and relates to House Bill... and House Bill.... Which propose creation of judgeships in ..... respectively.

#### **TECHNICAL ISSUES**

The appropriation should be made to the "thirteenth judicial district court." There is not an agency known as the "thirteenth judicial district."

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If House Bill 61 is not enacted, the 13<sup>th</sup> Judicial District will continue with six judges.

#### **POSSIBLE QUESTIONS**

1. What is the relative caseload between the three counties in the 13<sup>th</sup> Judicial District?
2. How will the relative caseload proportion change with the proposed additional judgeship in Sandoval County?
3. Is there a courtroom available for the proposed judge?
4. What amount of the \$313 thousand included in the bill's appropriation is for non-recurring expenses such as a judge's quarter's furnishings?
5. Is there an ideal proportion of funded judges, district attorneys and public defenders within a given district? Will the increase proposed in this bill reflect this proposal?