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FISCAL IMPACT REPORT

ORIGINAL DATE 1/25/06
 SPONSOR Saavedra LAST UPDATED 2/13/06 HB 337/aH AFC
 SHORT TITLE Create Additional Judgeships SB _____
 ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$3,506.1	Recurring	General Fund
	\$283.5	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Companion to: Senate Bill 148

SOURCES OF INFORMATION

LFC Files

Responses Received From

Bernalillo County Metropolitan Court (BCMC)
 Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of H AFC amendment

House Bill 337 “Create Additional Judgeships,” as amended by H AFC, would add \$1,617,100.0, to the original bill’s appropriation of \$2,172,476.0 for a total appropriation of \$3,789,576.

The additional appropriation would fund:

- the 3rd Judicial District Attorney (\$123,000) and Public Defender (\$112,500),
- the 5th Judicial District Attorney (\$278,000) and Public Defender (\$225,000),
- the 9th Judicial District Attorney (\$123,000) and Public Defender (\$112,500),
- the 11th Judicial District Attorney (\$139,000) and Public Defender (\$112,500),
- The 13th Judicial District Attorney (\$81,000) and Public Defender (\$75,000),
- The 2nd District Attorney in Bernalillo County Metropolitan Court (\$123,000) and Public Defender in Metro Court (\$112,500).

The amounts would fund an additional salaries and benefits, furniture, supplies and equipment. Because some of the authorized purchases include in the appropriation are one-time expenses

(furniture), the recurring total appropriation is estimated at \$5 thousand less for each additional agency (listed above).

Synopsis of Original Bill

House Bill 337 appropriates \$2,172,476 from the general fund (\$1,954,032 recurring) to the 3rd (\$313,566, \$283,217 recurring), 5th (\$627,132, 564,434 recurring), 9th (\$313,566, \$283,217 recurring), 11th (\$313,566, \$283,217 recurring) and 13th (\$313,566, \$283,217 recurring) judicial districts and the Bernalillo Metropolitan Court (\$291,080, \$254,730 recurring) for the purpose of creating six new judgeships, one in the 3rd, 9th, 11th, and 13th judicial districts and the Bernalillo County Metropolitan Court, and two in the 5th Judicial District.

The funds included in the appropriation are for the salaries and benefits of a judge and three associated staff, supplies and equipment.

The bill increases the number of judges in the: 3rd District from seven to eight; 5th District from eight to ten; 9th District from four to five; 11th District from seven to eight, and designates the new judge to reside and hold principal office in San Juan County; 13th District from six to seven and designates the new judge to reside and hold principal office in Sandoval County; Bernalillo County Metropolitan Court from eighteen to nineteen.

FISCAL IMPLICATIONS

The appropriation of \$3,789,576 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. A portion of the appropriated funds (\$383,444.0) should be designated as non-recurring as it will be used for one-time furniture and equipment purchases.

SIGNIFICANT ISSUES

Eight new judgeships were created in FY06: two in Bernalillo Metropolitan Court, one in the 2nd Judicial District, one in the 9th Judicial District, one in the 11th Judicial District, and three magistrates.

The judgeship study used to prioritize the need for new judgeships was completed in 1997.

The courts' caseloads have been updated since the study, however, the case-weight assigned to each type of case has not been updated.

The seven judgeships contained in this bill are those ranked as the highest need in the 1997 judgeship study, updated with case weights.

Not all the courts have courtrooms available for new judges. For example, Metro Court would have to build out one of the two available spaces for a new courtroom in order to provide space for an additional judge. Funding to build-out this courtroom is not contained in the bill.

According to Metro Court a 6 percent increase in the number of cases in FY05 caused the additional two judgeships to only decrease caseload by 84 cases per judge. The Court estimates that an additional judge would reduce caseload by 400 cases per judge in FY07.

PERFORMANCE IMPLICATIONS

Additional judges will lessen the caseload per judge in the 3rd, 5th, 9th, 11th, 13th and Metropolitan Court, allowing additional time to be spent on individual cases.

Additional judges without corresponding increases in prosecution and defense attorneys may lead to an imbalance within the three participating parties in criminal cases.

ADMINISTRATIVE IMPLICATIONS

Additional personnel will increase the administrative workload at each of the courts proposed to receive judgeships. Each judgeship includes 3 associated staff.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 337 duplicates Senate Bill 148.

OTHER SUBSTANTIVE ISSUES

The case weights determined in the 1997 judgeship study may no longer be useful.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The seven judges proposed may not be created in FY07. There are, however, several other judgeship bills which could also be enacted.

POSSIBLE QUESTIONS

1. Which courts have courtrooms available for additional judges? Of those that do not, what is the plan to provide courtroom space for the additional judges included in this bill?
2. Is there an ideal proportion of increases to courts/DAs and PDs? Does the amended version of the bill address this ideal proportion?

EM/nt:yr:mt