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FISCAL IMPACT REPORT

ORIGINAL DATE 2/4/06

SPONSOR Snyder LAST UPDATED _____ HB _____

SHORT TITLE Create Additional Judgeships SB 148

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$2,172.4	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Companion to: House Bill 337

SOURCES OF INFORMATION

LFC Files

Responses Received From

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

SUMMARY

Synopsis of Bill

Senate Bill 148 appropriates \$2,172,476 from the general fund to the 3rd (\$313,566), 5th (\$627,132), 9th (\$313,566), 11th (\$313,566) and 13th (\$313,566) judicial districts and the Bernalillo Metropolitan Court (\$291,080) 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 \$2,172,476 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 should be designated as non-recurring as it will be used for one-time furniture and equipment purchases.

According to the Administrative Office of the District Attorneys, the bill does not consider the fiscal or administrative impact of creating new judgeships on the state prosecution or defense. AODA estimates that the fiscal impact on the prosecution would be as follows:

5 th Judicial DA	\$278	2 Senior Trial Attorneys, 2 Administrative Secretaries, other costs
9 th Judicial DA	\$123	1 Senior Trial Attorney, 1 Senior Secretary, other costs
11 th Judicial DA	\$139	1 Senior Trial Attorney, 1 Administrative Secretary, other costs
13 th Judicial DA	\$81.1	1 Assistant Trial Attorney, 1 Secretary, other costs
2 nd Judicial DA	\$123	1 Senior Trial Attorney, 1 Senior Secretary, other costs

It is not clear why there would not be an effect on the 3rd Judicial District Attorney, however it is likely this district was just overlooked and that it too would have an associated cost of \$81.1-\$139 thousand, for a total district attorney impact of approximately \$867.1 thousand.

The public defender did not submit the corresponding estimated defense personnel and costs associated with staffing new judgeships, however in other judgeship bills, the Public Defender Department has made estimates of contractual or hired defense attorneys that the department would need to staff new judges' courtrooms for criminal cases.

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 will 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

Senate Bill 148 duplicates House Bill 337, and relates to House Bill 35 “Additional Judgeships in the 5th District,” House Bill 31 “Additional Judgeship in the 13th District,” Senate Bill 102 “Additional Judges in the 5th Judicial District.”

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. What portion of the appropriation should be considered non-recurring?
3. Is there an ideal proportion of increases to courts/DAs and PDs? What would the needed increase in DAs and PDs be in relation to the proposed judgeship increases?

EM/mt