

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

ORIGINAL DATE 1/30/08  
 SPONSOR HAFC LAST UPDATED 2/5/08 HB 439/HAFC  
 SHORT TITLE Create Judicial Judgeships SB \_\_\_\_\_  
 ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	*\$1,474.3	Recurring	General Fund
	\$252.4	Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>			\$1,474.3*	\$1,474.3	Recurring	General Fund

\*Amount to be added to FY09 appropriation to provide full year funding in FY10.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Public Defender (PD)

Department of Corrections (DOC)

Bernalillo County Metropolitan Courts (BCMC)

### SUMMARY

#### Synopsis of Bill

House Bill 439 is a HAFC sponsored bill that creates and provides for an appropriation for four district court judgeships in the First (Santa Fe County), Third (Dona Ana County), Eighth (Taos County) and Thirteenth (Valencia County) Judicial Districts, and one judgeship in the Bernalillo County Metropolitan Court. The bill also includes funds for District Attorneys and Public Defenders at the First (Santa Fe County), Second (Bernalillo County), Third (Dona Ana County), Eighth (Taos County) and Thirteenth (Valencia County) Districts to assist with increased workloads as a result of the new judgeships.

The effective date of the provisions of the Act is January 1, 2009.

The bill provides for the district judges and the metropolitan court judge to be appointed by the governor pursuant to the provisions of Article 6 of the Constitution of New Mexico.

The bill also provides appropriations for salaries and benefits and furniture, supplies and equipment for support staff at the courts, district attorney, and public defender offices. The appropriations are laid out in the following table:

**HAFC/HB 439 APPROPRIATIONS**

<b>Agency</b>	<b>Appropriation</b>
1 <sup>st</sup> Judicial District (one judge & support staff)	\$217,535
3 <sup>rd</sup> Judicial District (one judge and support staff)	\$217,535
8 <sup>th</sup> Judicial District (one judge and support staff)	\$217,535
13 <sup>th</sup> Judicial District (one judge and support staff)	\$217,535
Metropolitan Court (one judge and support staff)	\$210,572
1 <sup>st</sup> Judicial District Attorney (one trial attorney and one secretary)	\$50,039.5
3 <sup>rd</sup> Judicial District Attorney (one trial attorney and one secretary)	\$50,039.5
8 <sup>th</sup> Judicial District Attorney (one trial attorney and one secretary)	\$50,039.5
13 <sup>th</sup> Judicial District Attorney (one trial attorney and one secretary)	\$50,039.5
2 <sup>nd</sup> Judicial District Attorney (one trial attorney and one secretary)	\$47,004.5
1 <sup>st</sup> Judicial District Public Defender (staff and contractual services)	\$103,500
3 <sup>rd</sup> Judicial District Public Defender (staff and contractual services)	\$103,500
8 <sup>th</sup> Judicial District Public Defender (staff and contractual services)	\$63,400
13 <sup>th</sup> Judicial District Public Defender (staff and contractual services)	\$25,000
2 <sup>nd</sup> Judicial District Public Defender (staff and contractual services)	\$103,500
<b>TOTAL</b>	<b>\$1,726,774</b>

\*The appropriation contained in the bill is for six months – January 1, 2009 through June 30, 2009.

Unused funds remaining at the end of FY 09 shall revert to the general fund.

**FISCAL IMPLICATIONS**

Please see the appropriations table above. There is sufficient funding for six months for the new judges and support staff to start on January 1, 2009. There will be recurring costs of \$1.47 million for six months. The additional operating budget needed for FY 2010 \$1.47 million, to cover a full fiscal year (12 months), which results in a total operating budget impact for FY 2010 of \$2.94 million.

The total cost for three years is approximately \$7.35 million plus yearly salary increases appropriated by the legislature for judges and staff.

The initial cost of the program is subject to increased costs resulting from any increases in salaries and the costs of benefits for the FTEs.

**SIGNIFICANT ISSUES**

New Mexico has 88 district judges and 18 Metropolitan Court judges. Distribution and number of judgeships is determined in New Mexico statute. In the last three years 15 judgeships have been statutorily created. This bill would increase district and metropolitan judgeships by over 15 percent.

The New Mexico Sentencing Commission with the assistance of the National Center for State Courts conducted a workload assessment study in 2007 for the judiciary, district attorneys, and public defenders. The study indicates a need for twenty-four district court judges, five metropolitan court judges, and six magistrate judges. The study assigned a weight, expressed in minutes, for each type of case heard in court. Each weight is multiplied by the number of new cases filed per category of case.

The Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered both the need as determined by the workload assessment study applied to FY 07 filings, as well as additional narrative and testimonial information. The Chief Judges Council decided to gradually fill this need, supporting a total of twelve new judgeships in FY 09 in the judiciary's unified budget. The five judgeships in HB 439 were designated as the judges *critically* needed.

**PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. The bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

**ADMINISTRATIVE IMPLICATIONS**

Additional judgeships will reduce backlogs and decrease case processing times.

**RELATIONSHIP**

SB 9 and SB 10

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

Courts listed in this bill may continue to experience delays in hearing and disposing of cases.

CS/mt