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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/09
LAST UPDATED 2/20/09 **HB** _____

SPONSOR Martinez, R.

SHORT TITLE Eliminating Magistrate Circuit Courts **SB** 239/aSJC/aHJC/aHFL

ANALYST Sanchez, C.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		(\$61.2)	(\$120.0)	(\$181.2)	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HFL Amendment

The House Floor amendment states that the division 3 magistrate shall ride circuit to Thoreau.

Synopsis of HJC Amendment

On page 3, line 14, the House Joint Committee amendment removes the brackets and line through. The House Education Committee amendment makes a technical correction.

Synopsis of SJC Amendment

In the original bill, the magistrate court in Jal was inadvertently and unintentionally eliminated. The Senate Joint Committee amendment restores the court in Jal.

Synopsis of Original Bill

Senate Bill 239 reduces magistrate facility expenditures by eliminating magistrate circuit courts in Cimarron, Vaughn, and San Jon. The magistrate court in Thoreau is eliminated and the judgeship moved to Gallup. The bill eliminates the Tatum magistrate judgeship effective December 31, 2010. All of these changes would be effective July 1, 2009.

FISCAL IMPLICATIONS

FY 09 lease costs for the facilities mentioned are Cimarron, \$8.8 thousand; Vaughn, \$22.5 thousand; Tatum, \$17.2 thousand; Thoreau, \$3.6 thousand and San Jon, 0.00. Voice and data line overhead for Cimarron, Vaughn, and Thoreau is approximately \$2 thousand per year; for Tatum, \$3 thousand per year and for San Jon, \$0.00. The annual facility savings for FY 10 will be \$61.2 thousand. AOC proposes to use these savings to offset the costs of the remaining 49 magistrate facilities around the State.

There is no fiscal impact related to moving the magistrate judgeship from Thoreau to Gallup.

For FY 10, the recurring position cost for a magistrate judgeship is \$118 thousand. Eliminating this judgeship effective December 31, 2010, would save half of this amount in FY 11 and the full amount in future fiscal years.

SIGNIFICANT ISSUES

In FY07, a total of 100 new criminal cases and five new civil cases were filed. In FY 08, 72 new criminal cases and one new civil case were filed in the five courts combined. The cost of continuing these courts is not justified when balanced against the number of cases filed. SB 239 supports the move for cost savings in every agency.

TECHNICAL ISSUES

The circuit court in Jal was inadvertently and unintentionally eliminated. The sponsor has prepared an amendment to address this issue.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

CS/svb:mt