

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 02/16/11

SPONSOR HJC LAST UPDATED _____ HB 275/HJCS

SHORT TITLE Magistrate Qualifications SB _____

ANALYST Sanchez, C.

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

The House Judiciary Committee substitute to House Bill 275 raises the population limit for a magistrate district (Section 35-1-2) to 250,000 to harmonize with Section 34-8A-1.

The bill eliminates the requirement in Section 35-2-1 that magistrates in counties with a population of 200,000 be attorneys.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes.

SIGNIFICANT ISSUES

According to the AOC, there seems to be no policy reason why a county with a 199,000 population would not require an attorney judge in a limited jurisdiction court but a county with 200,000 population would.

This bill would harmonize the magistrate and metropolitan court statutes. Section 34-8A-1

House Bill 275/HJCS – Page 2

requires a metropolitan court in counties of 250,000 or more. Metropolitan court judges are required to be attorneys in Section 34-8A-4. If this change is amended counties over 250,000 would have attorney judges and metropolitan courts, but no other magistrate court would require attorney judges.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/mew