

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 and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

**SPONSOR** Campos **ORIGINAL DATE** 2/14/19  
**LAST UPDATED** 3/01/19 **HB** \_\_\_\_\_

**SHORT TITLE** 8<sup>th</sup> Judicial District Contract Services **SB** 507/aSJC

**ANALYST** Torres

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
\$100.0		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to appropriations in the General Appropriation Act

### **SOURCES OF INFORMATION**

LFC Files

#### Responses Received From

Public Defender Department (PDD)

#### Responses Not Received From

Administrative Office of the District Attorneys (AODA)

### **SUMMARY**

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment strikes the earmark for the 8<sup>th</sup> judicial district in SB 507, leaving the \$100 thousand appropriation up to the discretion of the Administrative Office of the District Attorneys for professional services.

#### Synopsis of Original Bill

SB 507 makes an appropriation of \$100 thousand from the general fund to the Administrative Office of the District Attorneys for the benefit of the Eighth Judicial District Attorney's office for expenditure of contractual professional services.

### **FISCAL IMPLICATIONS**

The appropriation of \$100 thousand contained in this bill is for a recurring expense to the general

fund. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund.

Contractual professional service expenses are often used for expert witness testimony, which is a recurring expense for district attorney offices.

### **SIGNIFICANT ISSUES**

The Public Defender Department (PDD) notes that it does “not oppose this bill outright and [does] not expressly claim that this funding for the district attorney’s office in the 8th Judicial District would have a fiscal impact directly on [PDD]. However, this money is specifically allocated to the district attorney in the 8th Judicial District without concomitant funding for [PDD]. Any prosecution undertaken by the DA requires concomitant defense spending in order to ensure constitutional protections under the 6th Amendment and to maintain compliance with constitutional mandates.”

IT/al/gb/sb