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FISCAL IMPACT REPORT

SPONSOR Pirtle ORIGINAL DATE 02/15/21
LAST UPDATED _____ HB _____
SHORT TITLE County Jurisdiction Over Traffic Citations SB 265
ANALYST Tolman

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 119

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 265 would amend Section 35-3-6 NMSA 1978 to allow for a change of venue from the magistrate district where the violation of the Motor Vehicle Code occurred provided that the defendant provides consent.

The effective date of this bill is July 1, 2021.

FISCAL IMPLICATIONS

The Administrative Office of the Courts (AOC) states that the passage of SB265 would not impact the overall budget of the judiciary, as it would not affect the number of cases which are filed in the courts as a whole. However, it does have the potential to increase the caseloads of individual courts, where officers may regularly file traffic cases in adjoining courts. Under the current Section 35-3-6(A) NMSA 1978, a law enforcement officer may file a traffic case in the magistrate court of an adjoining jurisdiction to where the incident occurred. The defendant then has 15 days after arraignment to request a change of venue to the magistrate court in the county where the incident

occurred. This bill would take away the officer's filing discretion and leave the venue determination solely in the hands of the defendant. This could require AOC to reallocate resources in accordance with the shift in caseloads.

There will be minimal administrative cost for statewide update, distribution and documentation of statutory changes if SB265 is enacted.

SIGNIFICANT ISSUES

The Department of Public Safety notes clarification is needed. State police officers can be assigned to any of 12 districts within New Mexico, some of which cover up to 5 counties across jurisdictional boundaries. Current law allows the citing officer flexibility to assign motor vehicle violators into adjoining counties to assist the violators. As an example, the department points out that Pecos does not have a magistrate court. If SB265 is passed, all traffic violators cited around the Pecos area would be assigned to the magistrate court in Las Vegas, approximately 44 miles away. Current law allows for officers to assign to a closer magistrate court, which is in Santa Fe county.

PERFORMANCE IMPLICATIONS

AOC states the courts are participating in performance-based budgeting. The passage of SB265 may impact the courts' performance-based budgeting measures, which may result in a need for additional resources. The courts' performance measure clearance rates may be impacted due to the change in caseloads.

ADMINISTRATIVE IMPLICATIONS

AOC indicates there may be an administrative impact on the courts resulting from any necessary reallocation of resources and change in docket schedules.

RELATIONSHIP

SB265 relates to House Bill 119, which amends provisions of the Motor Vehicle Code governing penalty assessments.

RT/sb/rl