

LFC Requester: _____

**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment _____
Correction _____ Substitute _____

Date Feb. 1, 2017

Bill No: SB 287

Sponsor: Pete Campos
Short 8th Judicial District Employee
Title: _____

Agency Code: 264
Person Writing Gary Cade
Phone: 505-507-7752 Email cadeabq@gmail.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 287 would appropriate \$100,000 from the general fund to the district attorney (“DA”) for the eighth judicial district, which encompasses Taos, Colfax and Union counties, to hire another attorney in FY 2018. Any balance remaining at the end of the year would revert to the general fund.

FISCAL IMPLICATIONS

\$100,000.

SIGNIFICANT ISSUES:

SB 287 would allow the DA in the eighth judicial district to hire an additional attorney in FY 2018. The district prosecutes criminal cases in Taos, Colfax and Union counties. Now Colfax county is facing financial difficulties and has requested the DA’s office provide legal representation for the county as permitted by statute. However, there is already an attorney vacancy in the eighth district DA’s office which was necessary because of budget cuts, and to obtain necessary equipment and cope with changes to the compensation plan. That vacancy leaves the elected DA and just eight assistant DA’s to prosecute the criminal cases in the large district. The eighth judicial district is spread over almost 10,000 square miles and had a population in the 2010 census of more than 51,000. The district also has substantial numbers of tourists and other visitors, year around, for skiing and other world-class attractions or just passing through on their way to Colorado, Texas, Oklahoma, or elsewhere in New Mexico, so there are substantially more persons usually present than just the permanent residents in the eighth district.

The DA’s office must work hard just to keep up with its existing criminal case responsibilities. Although the current vacancy will probably be filled by the end of the fiscal year another prosecutor is needed now to handle an already existing caseload in Taos county. If SB 287 is not approved and the funds appropriated so the office can hire another lawyer to serve as counsel for Colfax county, then the DA’s office will be forced to choose between prosecuting criminal cases in the eighth district and trying to serve the county’s legal requirements. If the office has to divert a lawyer to work on the civil cases in Colfax county, it will have major consequences on timely and effective prosecution of the criminal cases in the eighth district.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS