

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2015 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: Date 1/27/2015
Original **Amendment** **Bill No:** SB 222
Correction **Substitute**

Sponsor: Sen. Cliff R. Pirtle **Agency Code:** Attorney General's Office
Short Title: File Traffic Citations in County of Violation **Person Writing:** James Torres
Phone: 827-6064 **Email:** jtorres@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	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

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

SB 222 amends and modifies magistrate court jurisdiction over criminal actions involving violations of laws relating motor vehicles.

In its current form, §35-3-6 (governing magistrate jurisdiction) establishes magistrate court jurisdiction over motor vehicle criminal actions arising outside of that magistrate’s district, provided that magistrate’s district adjoins geographically at any point with the magistrate district in which the alleged traffic violation occurred. SB 222 would strike this provision, thus limiting jurisdiction to the magistrate district in which the motor vehicle criminal action arose.

SB 222 would amend §31-1-6 (in relevant part determining the place to appear upon receipt of a citation), §66-8-3 (requiring a person arrested for a Motor Vehicle Code violation to appear immediately before a magistrate judge), and §66-8-123 (governing the form of a traffic citation) to require that actions relevant to these sections are taken in the county where the violation allegedly occurred.

FISCAL IMPLICATIONS

N/A

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

SB 222 is ambiguous as to whether it deals with the transfer of cases by the magistrate court or with the filing of traffic citations. In the instance of the former, magistrates may be limited in their ability to effectively manage caseloads, thus placing an added burden upon the judicial system.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

Addressed above

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS