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## FISCAL IMPACT REPORT

SPONSOR: White DATE TYPED: 2/27/03 HB 333  
 SHORT TITLE: DWI as Habitual Offender SB \_\_\_\_\_  
 ANALYST: Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			See Narrative	Recurring	General Fund

Duplicates HB 333 in its entirety.  
 Duplicates SB 16 in part.  
 Conflicts with HB 117 and HB243.

### SOURCES OF INFORMATION

Responses Received From  
 Administrative Offices of the Courts  
 Administrative Offices of the District Attorney  
 Office of the Attorney General  
 Department of Corrections  
 Department of Public Safety  
 Highway and Transportation Department  
 Office of the Public Defender

### SUMMARY

#### Synopsis of Bill

House Bill 333 amends the Habitual Offenders Act and clearly establishes the legislature's intention that a felony DWI conviction is to be treated the same as any other felony conviction for the purposes of Habitual Offender proceedings.

#### Significant Issues

HB 333 arises out of the New Mexico Supreme Court's decision in *State v. Anaya*, 123 N.M. 14, 933 P.2d 223 (1997). In *Anaya*, a majority of the court held that it was not clear when the legislature amended § 66-8-102 (G) to punish a fourth DWI conviction as a fourth degree felony that the legislature intended the habitual offender statute to apply.

**FISCAL IMPLICATIONS**

Longer sentences will likely mean more DWI cases will go to trial and, if a conviction is achieved, more individuals will spend more time incarcerated. This has both an administrative and fiscal impact on the Public Defenders Office, the District Attorneys Office, the Courts, and the Department of Corrections.

The contract/private prison annual costs of incarcerating an inmate based upon FY02 actual expenditures is \$23,552 per year for males. The cost for females is \$25,117 per year.

The cost per client in the Probation and Parole program is \$1,533 per year when standard supervision is appropriate. The cost per client in the intensive supervision programs is \$2,964 per year.

**ADMINISTRATIVE IMPLICATIONS**

Habitual Offender proceedings are generally simple, straight-forward proceedings that are not contested.

**SJM/yr**