

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Sharer DATE TYPED: 2/14/03 HB _____

SHORT TITLE: Mandatory Vehicle Immobilization SB 82

ANALYST: Chavez

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 139

SOURCES OF INFORMATION

Taxation & Revenue Department (TRD)
 Administrative Office of the District Attorneys (AODA)
 Administrative Office of the Courts (AOC)
 New Mexico Public Defenders (NMPD)
 Highway & Transportation Department (SHTD)
 LFC Files

SUMMARY

Synopsis of Bill

Senate Bill 82 amends Section 66-5-39 NMSA 1978 pertaining to the penalties when a person is convicted of driving on a suspended or revoked license. Immobilization was an additional penalty imposed in accordance with this section. Senate Bill 82 eliminates the exception to immobilization when immobilization of the motor vehicle poses an imminent danger to the health, safety, or employment of the convicted person's immediate family or the family of the owner of the motor vehicle.

Significant Issues

The repercussions of immobilizing a motor vehicle in vast geographic areas that have no public transportation are profound. Such a legislative change may effect family members' health, welfare and employment.

FISCAL IMPLICATIONS

The Administrative Office of the Courts (AOC) indicates there is likely to be increased litigation and challenges to any attempt to immobilize a vehicle where someone other than, or in addition to, the driver has an interest in the vehicle.

The Administrative Office of the District Attorneys (AODA) indicates that if the additional penalty has a deterrent effect, the number of prosecutions for driving on a suspended or revoked driver's license may diminish, allowing resources previously expended for prosecution of such charges to be diverted to other areas.

ADMINISTRATIVE IMPLICATIONS

The AODA indicates that if the additional penalty for driving on a suspended or revoked driver's license has a significant deterrent effect, the number of necessary, full-time employees may actually diminish, especially in those district attorney's offices with large caseloads.

The AOC indicates that depending on the degree of increased litigation, there could be an increased administrative burden on the courts in dealing with such litigation due to this statutory change.

CONFLICT

House Bill 139 is amending the same section of law (66-5-9). Although the proposed language does not specifically conflict, both bills are trying to accomplish similar tasks. House Bill 139 requires the vehicle to be subject to seizure, forfeiture and disposal as opposed to Senate Bill 82, which requires mandatory immobilization.

TECHNICAL ISSUES

1. The current law does not specify who will ensure compliance of the existing immobilization order. The proposed legislation should specify what agency would be responsible for ensuring that the immobilization device is installed and removed on the offender's vehicle.

FC/njw