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FISCAL IMPACT REPORT

SPONSOR: Hurt DATE TYPED: 2/11/03 HB _____

SHORT TITLE: Create Duty to Report DWI Convictions SB 170

ANALYST: Wilson

APPROPRIATION

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

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Responses Received From

Public Defenders Department (PDD)

No Responses Received From

Taxation & Revenue Department (TRD)
 Administrative Office of the District Attorneys (ADA)

SUMMARY

Synopsis of Bill

Senate Bill 170 requires a person licensed to drive in the State of New Mexico to report a DWI conviction within two weeks of the conviction to the Motor Vehicle Division(MVD) of the Taxation and Revenue Department (TRD). Failure to report a DWI conviction is a misdemeanor and the offender shall be fined \$1,000 and sentenced for at least 30 days and up to 364 days to jail.

Significant Issues

The PDD states SB 170 puts a duty on persons convicted to provide information that is already vested in law enforcement offices and courts. It threatens the integrity of the information system already in place.

The requirement to report convictions is already contained in the Motor Vehicle Code. The courts have the duty to report convictions to the MVD and the MVD has the duty to maintain the information for use by appropriate agencies. *See* NMSA 1978, sections 1-17, *et seq.*, 66-8-132.

FISCAL IMPLICATIONS

TRD will need resources to implement the provisions of SB 170.

The PDD claims SB 170 will place an additional burden on them by creating a new category of offense. They find it difficult to predict how many additional misdemeanor charges will be brought under this legislation. It is more than likely, however, that failure to report charges will be brought as probation violations. With the rising number of DWI convictions, there are, in all likelihood, several hundred people who will be subject to the duty to report who will not and who will be subject to probation violations. The PDD will need additional attorneys and support staff to handle the increased caseload. The number of additional staff that will be needed is not known.

ADMINISTRATIVE IMPLICATIONS

The collection of accurate information regarding convictions is already the duty of law enforcement agencies, the courts, and the MVD, but SB 170 will require the enhancement of the existing system, especially in the area of enforcement.

DW/njw:pr