

**FORTY-SEVENTH LEGISLATURE
FIRST SESSION, 2005**

March 18, 2005

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILLS 109, 187 & 603, as amended**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 17, before the period, insert "; REVISING PROCEDURES FOR COLLECTION OF FEES FOR THE INTERLOCK DEVICE FUND; LIMITING ADMINISTRATIVE COSTS; REQUIRING MANDATORY HOURS OF COMMUNITY SERVICE BY DWI OFFENDERS; ALLOWING ELECTRONIC SUBMISSION OF STATEMENTS BY LAW ENFORCEMENT OFFICERS UNDER THE IMPLIED CONSENT ACT; ESTABLISHING STANDARD DWI ARREST REPORTS AND PROCEDURES".

2. On page 3, line 22, strike the first occurrence of "an".

3. On page 14, line 23, strike "may" and insert in lieu thereof "shall".

4. On page 14, line 24, after "less", insert "than twenty-four hours and not more".

5. On page 14, line 25, strike "or" and insert in lieu thereof a period and "In addition, the offender may be required to pay".

6. On page 15, line 16, after the period, strike the remainder of the line, strike lines 17 through 20 in their entirety and strike line 21 through the period.

7. On page 17, line 9, after "days" insert ", ninety-six hours of community service".

8. On page 17, line 14, after "any", insert "community service,".

9. On page 23, between lines 11 and 12, insert the following new subsection to read:

"S. With respect to this section and notwithstanding any provision of law to the contrary, if an offender's sentence was

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suspended or deferred in whole or in part and the offender violates any condition of probation, the court may impose any sentence that the court could have originally imposed and credit shall not be given for time served by the offender on probation."

10. Reletter the succeeding subsection accordingly.

11. On page 24, lines 12 and 13, strike "all persons who provide ignition interlock devices to".

12. On page 24, line 19, strike the first occurrence of "the" and insert in lieu thereof "an".

13. On page 24, line 19, after the first "amount", strike the remainder of the line and strike lines 20 through 25 in their entirety.

14. On page 25, strike lines 1 and 2 in their entirety and insert in lieu thereof the following:

"determined by rule of the department of finance and administration not to exceed one hundred dollars (\$100) but not less than fifty dollars (\$50.00) for each year the person is required to operate only vehicles equipped with an ignition interlock device in order to ensure the solvency of the interlock device fund. The fee imposed by this subsection shall be collected by the vendor who provides an ignition interlock device to the person and the vendor shall remit the fees collected on a monthly basis to the local government division of the department of finance and administration."

15. On page 25, line 10, strike the comma and insert in lieu thereof "and removing and one-half of the cost of".

16. On page 25, line 11, strike "for the initial four months and removing".

17. On page 25, line 24, after the period, insert the following:

"No more than five percent of the money in the interlock device fund in any fiscal year shall be expended by the local government division of the department of finance and administration for the purpose of administering the fund."

18. On page 29, line 4, after the second period, insert "The

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statement may be signed and submitted electronically in a manner and form approved by the department."

19. On page 29, between lines 7 and 8, insert the following new section:

"Section 8. [NEW MATERIAL] UNIFORM POLICE REPORTS AND PROCEDURES FOR DWI ARRESTS.--

A. The department of public safety, in collaboration with the motor vehicle division of the taxation and revenue department and the traffic safety bureau of the department of transportation, shall develop and periodically review and update standard arrest reports and procedures to be used by law enforcement officers when making an arrest for a violation of the provisions of Section 66-8-102 NMSA 1978 or similar municipal or county ordinances.

B. A law enforcement officer making an arrest for a violation of the provisions of Section 66-8-102 NMSA 1978 or of similar municipal or county ordinances shall use the standard arrest reports and procedures developed and approved by the department of public safety in accordance with the provisions of Subsection A of this section."

Respectfully submitted,

Joseph Cervantes, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 11 For 0 Against

Yes: 11

No: 0

Excused: None

Absent: None

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