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## FISCAL IMPACT REPORT

**SPONSOR** Swisstack                      **DATE TYPED** 2/24/05                      **HB** 956

**SHORT TITLE** Local DWI Grant Fund Distributions                      **SB** \_\_\_\_\_

**ANALYST** Hadwiger

### APPROPRIATION (in \$000s)

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	(\$300.0)			Recurring	Interlock Device Fund
	\$300.0			Recurring	Local DWI Grant Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB937, HB879.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration (DFA)  
 Department of Transportation (DOT)  
 Public Defender Department (PDD)  
 Bernalillo County Metropolitan Court (BCMC)  
 Sixth Judicial District Attorney

### SUMMARY

#### Synopsis of Bill

House Bill 956 adjusts distributions of funds in the Local DWI Grant Fund to increase appropriations by \$300,000 to class A counties with a population greater than 300,000 for alcohol detoxification and treatment programs and to eliminate a \$300,000 annual appropriation to the Interlock Device Fund.

#### Significant Issues

DFA noted that only Bernalillo County would benefit from the increased appropriation in this bill.

DFA also indicated that the Interlock Device Fund is used to provide ignition interlock devices for indigent persons who are required to install them. This bill would limit the ability to provide aid to these indigent offenders. The Department of Transportation also expressed this concern, noting the Interlock Device Fund collects revenue from Local DWI Grant Fund (\$300,000/year) and 10% of all revenues collected from the ignition interlock providers (amount varies and is unpredictable). Eliminating the only fixed source of revenue could jeopardize having sufficient funding to accommodate indigent requests. The Public Defender Department (PDD) indicated, if enacted, the bill would be challenged as a violation of equal protection guarantees.

BCMC noted that, if this redistribution limits the capacity of indigents to utilize an ignition interlock device, the bill may increase the workload for probation officers whose task is to confirm whether ignition interlocks have been installed as per court orders. If that is the case, additional appropriations may be required to fund more probation officer positions.

### **FISCAL IMPLICATIONS**

This bill would decrease appropriations to the Interlock Device Fund by \$300,000 and increase appropriations to the Bernalillo County DWI program by the same amount. BCMC indicated that additional probation officers may be required to confirm that ignition interlock devices are installed on indigents' cars. If PDD challenges the constitutionality of the bill, there would be additional legal fees to defend that lawsuit.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB879 and SB937 amend the same sections of law.

**DH/yr**