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FISCAL IMPACT REPORT

SPONSOR Carraro DATE TYPED 2/24/05 HB _____

SHORT TITLE Aggravated Fleeing from an Officer SB 391

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$0.1		

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorney (AODA)
 Attorney General's Office (AGO)
 Corrections Department (CD)
 Department of Public Safety (DPS)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 391 creates a crime making it an offense to flee a peace officer when the offender is under the influence of intoxicating liquor or drugs. The bill makes the offence a fourth degree felony.

Significant Issues

The DPS states current Statute, 30-22-1.1 makes it a felony to flee from a law enforcement officers willfully, in a careless manner when you endanger the life of another. If the wording of this bill is included in the current statute, not as another element to prove the current statute, but as an addition to the bill and a stand alone element this will be beneficial to our enforcement efforts.

The AODA notes this offense is similar to Section 30-22-1.1, NMSA 1978, that makes it a fourth degree felony to willfully and carelessly drive a motor vehicle after being given a signal to stop. Adding a subparagraph to the present Section 30-22-1.1, NMSA 1978, should be sufficient and a

new statute will not be necessary.

The AGO agrees and suggests amending current statute with additional language or provisions for violation if the person is under the influence of intoxicating liquor or drugs.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads for the district attorneys, the public defenders and the courts, thus requiring additional resources to handle the increase..

The bill will probably cause an increase in convictions for these new crimes and result in minimal to moderate increases in prison populations and probation and parole caseloads.

DW/yr