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## FISCAL IMPACT REPORT

**SPONSOR** Cervantes      **DATE TYPED** 3/17/05      **HB** 492/aHCPAC/aHJC

**SHORT TITLE** Community Service for DWI Convictions      **SB** \_\_\_\_\_

**ANALYST** Ford

### APPROPRIATION

| Appropriation Contained |      | Estimated Additional Impact |      | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY05                    | FY06 | FY05                        | FY06 |                      |               |
|                         |      |                             | NFI  |                      |               |

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with HB 282, HB 472, HB 493, HB 494, HB 502, HB 506, SB 154, SB 581, SB 587

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Attorney General (AGO)
- Department of Health (DOH)
- Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment limits the community service requirement for a first-time DWI offense to not more than 48 hours.

#### Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment removes the emergency clause.

#### Synopsis of Original Bill

House Bill 492 mandates community service for DWI offenders. The bill is an emergency measure to take effect immediately.

### Significant Issues

Current law allows first-time offenders to be sentenced to 48 hours of community service. House Bill 492 would instead *require* that the offender be sentenced to at least 24 hours of community service.

Current law requires an offender, upon second conviction, to be sentenced to 48 hours of community service. This bill makes no change to that provision.

Finally, current law does not contain a community service requirement for offenders upon a third conviction. House Bill 492 would mandate 96 hours of community service for third-time offenders.

### **PERFORMANCE IMPLICATIONS**

Both the Department of Transportation and the Department of Public Safety have performance measures related to reducing accidents, injuries and fatalities resulting from DWI. To the extent that mandatory community service sentences serve to reduce recidivism or act as a deterrent, this bill could help the departments improve on these performance measures.

### **OTHER SUBSTANTIVE ISSUES**

DOH writes, "According to the National Highway Transportation Safety Administration (NHTSA), traditional sanctions for DWI consists of jail, fines, probation and/or community service in addition to license suspension or revocation. Alternative sanctions include home detention, electronic monitoring, intensive supervision with probation, and vehicle sanctions such as ignition interlock and vehicle forfeiture. NHTSA's research says that many of the alternative sanctions are more effective in reducing recidivism than traditional sanctions. Raising the number of hours for community service, with fines as the deterrent for not completing community service, may not have the effect of reducing recidivism."

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

Numerous bills have been introduced to combat New Mexico's DWI problem including several that would amend the same sections as those amended by House Bill 492. Those bills are House Bills 282, 472, 493, 494, 502, and 506 and Senate Bills 154, 581 and 587.

**EF/lg**