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FISCAL IMPACT REPORT

SPONSOR Cervantes **DATE TYPED** 02/19/05 **HB** 493/aHCPAC

SHORT TITLE Expand Elements of Aggravated DWI **SB** _____

ANALYST Ford

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|---------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| | | | Minimal | Recurring | General fund |

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 282, HB 472, HB 492, 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)
- Corrections Department (CD)
- Department of Public Safety (DPS)

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee Amendment provides that driving under the influence with one or more passengers who are under the age of 15 (instead of 18 as provided in the original bill) shall constitute aggravated DWI.

Synopsis of Original Bill

House Bill 493 provides that driving under the influence with one or more passengers who are less than 18 years of age shall constitute aggravated DWI. This bill is an emergency measure to take effect immediately.

PERFORMANCE IMPLICATIONS

Both the Department of Transportation and the Department of Public Safety have performance measures related to reducing alcohol-related accidents, injuries and fatalities. To the extent the harsher sentence provided in this bill serves to reduce recidivism or act as a deterrent to aggravated DWI, this bill could help the departments improve on these performance measures.

FISCAL IMPLICATIONS

There may be minor costs to Corrections if offenders serve jail time in state facilities instead of city or county jails.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

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

EF/yr