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FISCAL IMPACT REPORT

ORIGINAL DATE 2/08/07

SPONSOR Foley LAST UPDATED _____ HB 774

SHORT TITLE DWI Conviction License Revocations SB _____

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 125, 126, SB 219, 437.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Department of Corrections (DC)
 Department of Transportation (DOT)
 Alcohol and Gaming Division

SUMMARY

Synopsis of Bill

House Bill 774 amends various statutes pertaining to driving under the influence of intoxicating liquor or drugs.

Section 1: amends Section 66-5-5 NMSA 1978 to prohibit the Motor Vehicle Division from issuing a driver's license to any person who is three or more times convicted of DWI in any state, and the third or subsequent conviction was based upon a violation committed within five years of the date of a prior DWI conviction. The Act provides that there shall be no application to the court for restoration of a driver's license and the division shall not issue an ignition interlock license to a person whose licensing is prohibited under the Act.

Section 2: amends Section 66-5-29 NMSA 1978 to provide for the following terms of license revocation

- Ten years for a second conviction if the second conviction is based upon a violation committed within five years of the date of a first DWI conviction
- The remainder of the offender's life, and not subject to review, for a third or subsequent conviction is based upon a violation committed within five years of the date of a prior DWI conviction for a person who upon adjudication as a delinquent for DWI or conviction pursuant to Section 66-8-102 NMSA 1978 is subject to license revocation for an offense pursuant to which the person was also subject to revocation pursuant to Section 66-8-111 NMSA 1978.

Section 3: amends Section 66-5-503 NMSA 1978 to prohibit the issuance of an ignition interlock license to a person with two or more convictions for DWI for the period of time that the person's license is revoked pursuant to the second or subsequent conviction if the second or subsequent conviction is based upon a violation committed within 5 years of a prior DWI conviction.

Section 4: amends Section 66-8-102 NMSA 1978 to provide that upon a second or subsequent DWI conviction, an offender may be required to participate in and complete a screening program approved by the DFA and, if necessary, a treatment program approved by the court. The Act further amends Section 66-8-102 to provide that a person convicted of DWI less than five years after a prior conviction shall not obtain nor be required to obtain an ignition interlock license or device.

The effective date of the Act is July 1, 2007.

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 in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

This bill would result in having less people mandated to install an ignition interlock device in their vehicle.

ADMINISTRATIVE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with HB 125, 126, SB 219, 437.

OTHER SUBSTANTIVE ISSUES

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability, and jury fees. These additional costs are not capable of quantification.

Section 4 amends Section 66-8-102 NMSA 1978 to give courts discretion to require participation in an alcohol or drug screening program on second and subsequent DWI convictions.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Ignition interlock installation mandates for DWI offenders will remain the same.

CS/csd