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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/07

SPONSOR McSorley LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Interlock Program Confidentiality SB 591a/SJC

ANALYST C.Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
\$0.0	NFI	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Parole Board

### SUMMARY

#### Synopsis of Amendment

On page 5, line 18, after “act” the amendment inserts “or as a condition of parole”., The amendment makes a technical change to the bill.

#### Synopsis of Original Bill

Senate Bill 591 amends Section 66-2-7.1 NMSA 1978. It changes all references to “department” in Section A to “department or bureau,” thereby making the confidentiality requirements imposed upon State Highway and Transportation Department employees incumbent upon Traffic Safety Bureau employees as well. The confidentiality requirements restrict disclosure of personal information obtained about individuals in connection with drivers’ licenses, permits, vehicle titling or registration, or identification cards.

SB 591 also adds another source of personal information to that restricted-disclosure list, namely that obtained through the administration of the Ignition Interlock Licensing Act and the interlock

device fund.

## **FISCAL IMPLICATIONS**

NFI

## **SIGNIFICANT ISSUES**

SB 591 amends Section 66-8-102.3 NMSA 1978 regarding the imposition of fees and the Interlock Device Fund. Indigent people are not required to pay such a fee, and the “sentencing court” currently determines indigence. SB 591 broadens the responsibility for determining indigence to “the court, the parole board or a probation and parole officer.”

## **ADMINISTRATIVE IMPLICATIONS**

Current court procedure does require the judge to determine indigency. In many instances at Bernalillo County Metropolitan Court, for example, the judge will require defense counsel make a motion to that effect, and the judge will then hold a hearing to determine indigency. If a probation officer could determine indigency that could save the court time spent on such motions and hearings and reduce the court’s administrative burden related to such a determination.

In magistrate courts there are only a few probations officers handling DWI cases. If the court has access to any probation type services, they are usually handled by compliance officers pursuant to Section 31-20-5.1 NMSA 1978.

CS/mt