

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

**ORIGINAL DATE** 1/27/08  
**SPONSOR** Swisstack **LAST UPDATED** 1/31/08 **HM** 19/aHJC

**SHORT TITLE** Study Traffic Offense Adjudicative Procedures **SB** \_\_\_\_\_

**ANALYST** Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$0.1	\$0.1		Recurring	General Fund & local funds

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Memorial 19 adds clarifying language by striking “an amendment to punish” and inserting “punishing” in its place.

#### Synopsis of Original Bill

House Memorial 19 notes that removing criminal penalties, including the possibility of incarceration in jails, from traffic and driving penalties and instead punishing violations with civil sanctions could make better use of the resources dedicated to criminal justice without jeopardizing public safety and without increasing the incarcerated population.

The memorial also notes that an amendment to punish traffic offenses by fines and limitations on a driver’s credit history and ability to access public utilities could prove to be a lesser drain on court and incarceration systems.

Therefore, HM 19 resolves that the state commence a statewide study to examine alternative adjudicative procedures for traffic offenses, that the interim legislative committee that studies courts and corrections issues study current New Mexico law relating to minor traffic offenses, report the study’s findings and make recommendations for legislation prior to the first session of the forty-ninth legislature, and that copies of this memorial be transmitted to the governor and the co-chairs of the New Mexico Legislative Council.

**FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any fiscal impact on the judiciary would be proportional to the removal of criminal penalties in exchange for civil sanctions, which would result in a decrease in the use of court resources.

**SIGNIFICANT ISSUES**

In many jurisdictions throughout New Mexico, minor traffic warrants represent more than one-half of all outstanding warrants.

Research data collected to determine the effectiveness and efficiency of continued criminal warrant notices have demonstrated that criminal warrants neither represent a deterrent to the habitual offender's disregard of the traffic codes nor provide increased public safety on the highways.

Research data indicate that the ever-increasing number of traffic warrants is not reduced until violators are stopped on other moving violations or other criminal charges.

Currently in Bernalillo County there are an estimated 61,070 warrants for minor traffic violations.

These violations include failure to pay fines and failure to appear in court.

In 2007, 6,224 persons were booked into the Bernalillo county metropolitan detention center for traffic-related warrants and minor traffic violations, placing great strain on Bernalillo County's sentencing and court systems and Bernalillo County's metropolitan detention center.

DW/mt