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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/04/09

SPONSOR Cervantes LAST UPDATED \_\_\_\_\_ HB 848

SHORT TITLE Prohibit Certain Alcohol Deliveries SB \_\_\_\_\_

ANALYST Wilson

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

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Indeterminate See Below	Indeterminate See Below		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Administrative Office of the District Attorneys (AODA)  
 Corrections Department (CD)  
 Department of Public Safety (DPS)  
 Public Defender Department (PDD)  
 Regulation & Licensing (RLD)

### SUMMARY

#### Synopsis of Bill

House Bill 848 enacts a new section of Chapter 60, Article 7A NMSA 1978 is enacted to read that a person shall not deliver alcoholic beverages to another person on the date of that other person's twenty-first birthday before:

- 7:00 a.m. if the other person's twenty-first birthday falls on a day other than Sunday; or
- 12:00 noon if the other person's twenty-first birthday falls on a Sunday.

A person violates the provisions of this bill is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.

### 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 will 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

The additional felony convictions resulting from this bill will increase the CD's costs by leading to minimal to moderate increases to the inmate population and probation and parole caseloads. The bill seems unlikely to lead to a substantial number of new convictions, or to result in a substantial increase in the CD's inmate population or probation and parole caseloads, since the bill's scope is limited to those individuals providing alcohol to another person on the first day that the other person reaches the age of 21. CD notes it is always difficult to accurately predict or estimate the ultimate effect of any new crime bill. As is almost always the case, there is no appropriation in the bill to the CD to cover any of the CD's increased costs associated with the creation of these new crimes.

### **SIGNIFICANT ISSUES**

HB 848 seeks to eliminate the practice of providing twenty-one shots of alcohol to a person after midnight of the day they turn 21. The person is legally of age at 12:01 am of the date of their twenty-first birthday. There have been instances where friends have, in a bar or in a home, lined up twenty-one shots, which the birthday person drinks, one after another. This type of practice has resulted in alcohol poisoning and may lead to death.

It is possible that this bill may receive a challenge based on what is defined as delivery. This is a vague term and could mean anything. For example, is it delivery if a bartender serves a patron alcohol who has just turned 21 after midnight up until 7:00 am on a week day or noon on a Sunday? If so then this could pose a problem for bars and restaurants that serve alcohol. Therefore, delivery must be defined in the bill.

### **ADMINISTRATIVE IMPLICATIONS**

There may be an administrative impact on the courts as the result of an increase in caseload or in the amount of time necessary to dispose of cases.

DW/svb