

1 HOUSE BILL 588

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Al Park

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10 AN ACT

11 RELATING TO PUBLIC SAFETY; CREATING THE PUBLIC SAFETY EQUIPMENT  
12 FUND; IMPOSING A FEE ON PERSONS CONVICTED OF DRIVING UNDER THE  
13 INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; MAKING AN  
14 APPROPRIATION.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. [NEW MATERIAL] PUBLIC SAFETY EQUIPMENT FUND.--

18 A. The "public safety equipment fund" is created in  
19 the state treasury to be administered by the department of  
20 public safety. Interest earned on money in the fund shall be  
21 credited to the fund. Balances in the fund shall not revert at  
22 the end of any fiscal year.

23 B. The public safety equipment fund consists of  
24 public safety equipment fees collected pursuant to the  
25 provisions of Subsection C of Section 31-12-7 NMSA 1978 from

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1 persons convicted of driving under the influence of  
2 intoxicating liquor or drugs, and any appropriations, gifts,  
3 grants or donations.

4 C. All balances in the public safety equipment fund  
5 are subject to appropriation to the department of public safety  
6 for the purchase of public safety equipment such as ballistic  
7 vests, firearms, electronic stun guns, handheld radios,  
8 hazardous materials protective clothing and other safety  
9 equipment.

10 D. Payments from the public safety equipment fund  
11 shall be made pursuant to vouchers issued and signed by the  
12 secretary of public safety or the secretary's designee upon  
13 warrants drawn by the secretary of finance and administration.

14 SECTION 2. Section 31-12-7 NMSA 1978 (being Laws 1981,  
15 Chapter 367, Section 1, as amended) is amended to read:

16 "31-12-7. MOTOR VEHICLES--INFLUENCE OF INTOXICATING  
17 LIQUOR OR DRUGS--FEE UPON CONVICTION.--Notwithstanding the  
18 provisions of Section 66-8-102 NMSA 1978 or any municipal  
19 ordinance that prohibits driving while under the influence of  
20 intoxicating liquor or drugs, a person convicted of a violation  
21 of Section 66-8-102 NMSA 1978 or a violation of a municipal  
22 ordinance that prohibits driving while under the influence of  
23 intoxicating liquor or drugs shall be assessed by the court, in  
24 addition to any other fee or fine:

25 A. a fee of eighty-five dollars (\$85.00) to defray

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1 the costs of chemical and other tests used to determine the  
2 influence of liquor or drugs; ~~and~~

3 B. a fee of seventy-five dollars (\$75.00) to fund  
4 comprehensive community programs for the prevention of driving  
5 while under the influence of intoxicating liquor or drugs and  
6 for other traffic safety purposes; and

7 C. a public safety equipment fee of one hundred  
8 dollars (\$100) to be deposited into the public safety equipment  
9 fund."

10 SECTION 3. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2011.