

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 (www.nmlegis.gov). 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 02/14/13
 SPONSOR SPAC LAST UPDATED 02/28/13 HB _____

SHORT TITLE Lifetime License Loss for 5th DWI SB 460/SPACS

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Department of Public Safety (DPS)
 Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

The Senate Public Affairs Committee substitute for Senate Bill 460 (SB 460) amends Sections 66-5-5, 66-5-29, and 66-8-102 to mandate that upon conviction for a fourth DWI offense, the offender may only be eligible to obtain an ignition interlock license. SB 460 amends current law to mandate that there shall be no review process by which an individual convicted of a fourth or subsequent DWI may receive a non-ignition interlock driver's license.

FISCAL IMPLICATIONS

Increasing penalties for DWI convictions may result in more DWI defendants requesting trials rather than accepting plea bargains, though the number of new trials is unknown.

SIGNIFICANT ISSUES

The AGO has stated that, were this bill to become law, it would likely be subject to legal challenge.

The AGO has stated that the 5 year review process in place for current four-time DWI offenders provides an opportunity to monitor the offenders which would be removed should SB 460 be passed.

CONFLICT

SB 460 conflicts with HB 32, HB 52, HB 162, HB 395, HB 479 and SB 409, all of which amend Section 66-8-102.

NCJ/svb