

HOUSE BILL 474

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

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AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR
OR DRUGS; REQUIRING THE USE OF AN ELECTRONIC SOBRIETY MONITOR
BY CERTAIN PERSONS RELEASED PENDING TRIAL WHERE A MONITOR IS
AVAILABLE.

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

SECTION 1. ~~[NEW MATERIAL]~~ REPEAT-ARRESTEES--CONDITION OF
RELEASE--ELECTRONIC SOBRIETY MONITOR.--

A. In a county that has a 24/7 sobriety monitoring
program, a repeat-arrestee accused of a violation of Section
66-8-102 NMSA 1978 shall not be released on bail or personal
recognizance pending trial unless an electronic sobriety
monitor is placed on the person; provided that an electronic
sobriety monitor is available for use at the time the person is
approved for release.

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1 B. A person who is required to use an electronic
2 sobriety monitor as provided in this section shall not be
3 required to pay any fee or cost associated with the monitor.
4 The cost of operating an electronic sobriety monitor may be
5 paid for from the local DWI grant fund, from grants made
6 available to 24/7 sobriety monitoring programs, from fees paid
7 by offenders convicted of driving under the influence of
8 intoxicating liquor or drugs to local or state courts or by a
9 county DWI task force or from funds administered by a board of
10 county commissioners.

11 C. The period of time during which a person
12 participates in a court-approved electronic sobriety monitoring
13 program shall be credited as time served toward any sentence
14 imposed by the court for a violation of Section 66-8-102 NMSA
15 1978.

16 D. As used in this section:

17 (1) "24/7 sobriety monitoring program" means a
18 court-approved program operated by a county or a court that
19 provides an electronic sobriety monitor to program participants
20 and that provides information to the court when a violation of
21 conditions of release is suspected;

22 (2) "electronic sobriety monitor" means a
23 device that is worn on a person's body, that monitors the
24 presence of alcohol in the person's body and that can make an
25 electronic report of the presence of alcohol in the person's

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1 body to the court-approved electronic sobriety monitoring
2 program's administrator; and

3 (3) "repeat-arrestee" means a person who has
4 been arrested for a violation of Section 66-8-102 NMSA 1978 and
5 who:

6 (a) was previously arrested for a
7 violation of Section 66-8-102 NMSA 1978, regardless of the
8 disposition of that arrest, within three years of the person's
9 current arrest;

10 (b) was convicted for a violation of
11 Section 66-8-102 NMSA 1978 within ten years of the person's
12 current arrest; or

13 (c) was adjudicated as a delinquent for
14 driving under the influence of intoxicating liquor or drugs
15 within ten years of the person's current arrest.

16 SECTION 2. APPLICABILITY.--The provisions of this act
17 apply to offenses committed on or after July 1, 2017.

18 SECTION 3. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2017.