

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 250 amends Section 34-8A-6 NMSA 1978, regarding Metropolitan Court rules, to make the Metropolitan Court a court of record for criminal actions involving driving on a revoked license.

SB 250 amends Section 66-5-39.1 NMSA 1978, regarding driving with a revoked license, to require that any person convicted of driving on a revoked license shall obtain an ignition interlock device pursuant to the Ignition Interlock Licensing Act to be installed in any vehicle the person will drive. The bill requires that the convicted person obtain an ignition interlock license within ten days of conviction. SB 250 also amends Section 66-5-39.1 to remove the requirement that the convicted person's vehicle shall be immobilized with an immobilization device, and to remove the requirement that the convicted person shall not be issued a new license for an additional period of one year after the person would have otherwise been eligible for a new license.

SB 250 also amends Section 66-5-503 NMSA 1978, regarding ignition interlock license requirements, to allow a person whose driving privileges or license has not be revoked or denied to apply for an ignition interlock license from the division, and to allow a person whose driving privileges or license has been revoked or denied or will soon be revoked to apply for an ignition interlock license by providing proof of installation of the device by a Traffic Safety Bureau-approved installer.

SB 250 further amends Section 66-5-503 to provide that an ignition interlock license shall be issued for a period of four or eight years. The bill also provides that the ignition interlock device may be removed by a Traffic Safety Bureau-approved installer without a court order at the request of the applicant.

SB 250 amends Section 66-8-102.3 NMSA 1978, regarding the interlock device fund, to increase the amount that the Traffic Safety Bureau shall pay for one vehicle interlock device per indigent offender, to a maximum of \$100 for installation, \$100 for removal, and \$60/month for monitoring. The bill also amends Section 66-8-102.3 to allow that indigency may be determined by the entering of an appearance by the Public Defender Department as the person's legal representative under the Indigent Defense Act.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

SB 250 does not add any new criminal penalties. Its modification to the criminal penalty for

driving on a revoked license is limited to the removal of the immobilization device requirement, and the addition of the ignition interlock device requirement. Thus, it is unlikely that the bill will have any impact on the number of people incarcerated in NM jails or prisons.

SB 250 amends Section 34-8A-6 NMSA 1978 to make the Metropolitan Court a court of record for criminal actions involving driving with a revoked license. This change would make any decisions made by the Metropolitan Court in those cases appealable to the Court of Appeals rather than the District Court. This may have an impact on the caseload managed by the Court of Appeals (and an inverse impact on the caseload managed by the District Court).

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS