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SENATE BILL 268

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO PUBLIC MONEY; STOPPING THE FLOW OF MONEY FROM THE LOCAL DWI GRANT FUND TO THE INTERLOCK DEVICE FUND; REVISING PROCEDURES FOR COLLECTION OF FEES FOR THE INTERLOCK DEVICE FUND; LIMITING ADMINISTRATIVE COSTS; TRANSFERRING MONEY FROM THE INTERLOCK DEVICE FUND TO THE LOCAL DWI GRANT FUND; DECLARING AN EMERGENCY.

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

Section 1. Section 11-6A-3 NMSA 1978 (being Laws 1993, Chapter 65, Section 3, as amended) is amended to read:

"11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

A. The division shall establish a local DWI grant program to make grants to municipalities or counties for:

(1) new, innovative or model programs, services or activities to prevent or reduce the incidence of

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1 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;  
2 and

3 (2) programs, services or activities to  
4 prevent or reduce the incidence of domestic abuse related to  
5 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

6 B. Grants shall be awarded by the council pursuant  
7 to the advice and recommendations of the division.

8 C. The "local DWI grant fund" is created in the  
9 state treasury and shall be administered by the division. Two  
10 million five hundred thousand dollars (\$2,500,000) of liquor  
11 excise tax revenues distributed to the fund and all other money  
12 in the fund, other than money appropriated for distribution  
13 pursuant to [~~Subsections D and E~~] Subsection D of this section  
14 and money appropriated for DWI program distributions, are  
15 appropriated to the division to make grants to municipalities  
16 and counties upon council approval in accordance with the  
17 program established under the Local DWI Grant Program Act and  
18 to evaluate DWI grantees and the local DWI grant program.  
19 Money in the fund may be used for drug courts. An amount equal  
20 to the liquor excise tax revenues distributed annually to the  
21 fund less five million six hundred thousand dollars  
22 (\$5,600,000) is appropriated to the division to make DWI  
23 program distributions to counties upon council approval of  
24 programs in accordance with the provisions of the Local DWI  
25 Grant Program Act. No more than six hundred thousand dollars

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1 (\$600,000) of liquor excise tax revenues distributed to the  
2 fund in any fiscal year shall be expended for administration of  
3 the grant program. Balances in the fund at the end of any  
4 fiscal year shall not revert to the general fund.

5 D. Two million eight hundred thousand dollars  
6 (\$2,800,000) of the liquor excise tax revenues distributed to  
7 the local DWI grant fund is appropriated to the division for  
8 distribution to the following counties in the following amounts  
9 for funding of alcohol detoxification and treatment facilities:

10 (1) one million seven hundred thousand dollars  
11 (\$1,700,000) to class A counties with a population of over  
12 three hundred thousand persons according to the 1990 federal  
13 decennial census;

14 (2) three hundred thousand dollars (\$300,000)  
15 each to counties reclassified in 2002 as class A counties with  
16 a population of more than ninety thousand but less than one  
17 hundred thousand persons according to the 1990 federal  
18 decennial census;

19 (3) two hundred thousand dollars (\$200,000) to  
20 class B counties with a population of more than thirty thousand  
21 but less than forty thousand persons according to the 1990  
22 federal decennial census;

23 (4) one hundred fifty thousand dollars  
24 (\$150,000) to class B counties with a population of more than  
25 sixty-two thousand but less than sixty-five thousand persons

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1 according to the 1990 federal decennial census; and

2 (5) one hundred fifty thousand dollars  
3 (\$150,000) to class B counties with a population of more than  
4 thirteen thousand but less than fifteen thousand persons  
5 according to the 1990 federal decennial census.

6 ~~[E. Three hundred thousand dollars (\$300,000) of~~  
7 ~~the liquor excise tax revenues distributed to the local DWI~~  
8 ~~grant fund is appropriated to the division for the interlock~~  
9 ~~device fund to cover the costs of installing and removing~~  
10 ~~ignition interlock devices for indigent people who are~~  
11 ~~required, pursuant to convictions under Section 66-8-102 NMSA~~  
12 ~~1978, to install those devices in their vehicles.~~

13 ~~F.]~~ E. In awarding DWI grants to local communities,  
14 the council:

15 (1) may fund new or existing innovative or  
16 model programs, services or activities designed to prevent or  
17 reduce the incidence of DWI, alcoholism or alcohol abuse;

18 (2) may fund existing community-based  
19 programs, services or facilities for prevention, screening and  
20 treatment of alcoholism and alcohol abuse;

21 (3) may fund new or existing innovative or  
22 model programs, services or activities of any kind designed to  
23 prevent or reduce the incidence of domestic abuse related to  
24 DWI, alcoholism or alcohol abuse;

25 (4) may fund existing community-based

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1 programs, services or facilities for prevention and treatment  
2 of domestic abuse related to DWI, alcoholism or alcohol abuse;

3 (5) shall give consideration to a broad range  
4 of approaches to prevention, education, screening, treatment or  
5 alternative sentencing, including programs that combine  
6 incarceration, treatment and aftercare, to address the problem  
7 of DWI, alcoholism or alcohol abuse; and

8 (6) shall make grants only to counties or  
9 municipalities in counties that have established a DWI planning  
10 council and adopted a county DWI plan or are parties to a  
11 multicounty DWI plan that has been approved by the council and  
12 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only  
13 for programs, services or activities consistent with that plan.  
14 A DWI plan shall also comply with local DWI grant program rules  
15 and guidelines.

16 [~~G.~~] E. The council shall use the criteria in  
17 Subsection [~~F~~] E of this section to approve DWI programs,  
18 services or activities for funding through the county DWI  
19 program distribution. Sixty-five percent of the DWI grants  
20 awarded to local communities shall be used for alcohol-related  
21 treatment and detoxification programs. "

22 Section 2. Section 66-8-102.3 NMSA 1978 (being Laws 2002,  
23 Chapter 82, Section 2, as amended) is amended to read:

24 "66-8-102.3. IMPOSING A FEE--CREATING A FUND.--

25 A. A fee is imposed on [~~all persons who provide~~

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1 ~~ignition interlock devices to~~] a person convicted of driving  
2 while under the influence of intoxicating liquor or drugs  
3 pursuant to Section 66-8-102 NMSA 1978 or a person whose  
4 driver's license is revoked pursuant to the provisions of the  
5 Implied Consent Act, in the amount of [~~ten percent of the~~  
6 ~~amount charged to lease, install, service and remove each~~  
7 ~~ignition interlock device for a person convicted pursuant to~~  
8 ~~Section 66-8-102 NMSA 1978 or whose driver's license is revoked~~  
9 ~~pursuant to the provisions of the Implied Consent Act and shall~~  
10 ~~be paid monthly to the local government division of the~~  
11 ~~department of finance and administration]~~ twenty dollars  
12 (\$20.00), to be collected by the vendor who provides an  
13 ignition interlock device to the person. The vendor shall  
14 remit all fees collected on a monthly basis to the local  
15 government division of the department of finance and  
16 administration.

17 B. The "interlock device fund" is created in the  
18 state treasury. The fee imposed pursuant to Subsection A of  
19 this section shall be distributed to the fund by the local  
20 government division of the department of finance and  
21 administration.

22 C. [A+] Money in the interlock device fund is  
23 appropriated to the local government division of the department  
24 of finance and administration to cover the costs of installing,  
25 leasing for the initial four months and removing ignition

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1 interlock devices for indigent people who are required,  
2 pursuant to convictions under Section 66-8-102 NMSA 1978 or  
3 driver's license revocations pursuant to the provisions of the  
4 Implied Consent Act, to install those devices in their  
5 vehicles. Indigency shall be determined by the sentencing  
6 court.

7 D. Any balance remaining in the interlock device  
8 fund shall not revert to the general fund at the end of any  
9 fiscal year.

10 E. The interlock device fund shall be administered  
11 by the local government division of the department of finance  
12 and administration. No more than five percent of the money in  
13 the interlock device fund in any fiscal year shall be expended  
14 by the local government division of the department of finance  
15 and administration for the purpose of administering the fund."

16 Section 3. TEMPORARY PROVISION--INTERLOCK DEVICE FUND--  
17 BALANCE TO LOCAL DWI GRANT FUND.--Notwithstanding the  
18 provisions of Subsection C of Section 66-8-102.3 NMSA 1978, on  
19 the effective date of this act, the local government division  
20 of the department of finance and administration shall transfer  
21 all but five hundred thousand dollars (\$500,000) in the  
22 interlock device fund to the local DWI grant fund.

23 Section 4. EMERGENCY.--It is necessary for the public  
24 peace, health and safety that this act take effect immediately.