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FISCAL IMPACT REPORT

ORIGINAL DATE 02/28/11
 LAST UPDATED 03/17/11 HB 357/aHJC

SPONSOR Roch

SHORT TITLE Homicide by Boat & Great Bodily Harm by Boat SB _____

ANALYST Segura

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

- New Mexico Sentencing Commission (NMSC)
- New Mexico Corrections Department (NMCD)
- Energy Minerals Natural Resources Department (EMNRD)
- Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HJC Amendment

House Judiciary Committee Amendment to House Bill 357 does not change the original intent of the bill. The amendment adds to the language on page 1, line 21 and 23, “dispositions”.

Synopsis of Original Bill

House Bill 357 amends Section 66-8-101 NMSA 1978 relating to homicide by vehicle to amend the definition of “prior DWI conviction for operating a motorboat under the influence of alcohol or drugs. The bill creates a new section of the Boating While Intoxicated Act, entitled “Homicide by Boat –Great Bodily Harm by Boat.” The new section mirrors the language in Section 66-8-101, “Homicide by Vehicle, “replacing all references to vehicle with boat. Making it a third degree felony to commit homicide by boat or great bodily harm by boat while under the influence of alcohol or drugs

FISCAL IMPLICATIONS

According to AOC, there will be a minimal administrative cost for statewide update, distribution,

and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions.

SIGNIFICANT ISSUES

House Bill 357 mandates that a person who commits homicide by boat or great bodily harm by boat while under the influence of intoxicating liquor or while under the influence of any drug who has incurred a prior DWI conviction within ten years of the occurrence for which the person is being sentenced shall have the basic sentence increased by four years for each prior DWI conviction. A prior DWI conviction is defined as a prior conviction under Section 66-8-102 NMSA 1978, a prior conviction under Section 66-13-3 NMSA 1978, or a prior conviction in New Mexico or other jurisdiction when the criminal act involved driving a vehicle or operating a motorboat under the influence of alcohol or drugs.

The EMNRD indicates that by creating the crimes of homicide by boat, law enforcement would have the option to charge an individual with those crimes rather than murder or manslaughter pursuant to Section 30-2-1 or 30-2-3 NMSA 1978.

DUPLICATION

Senate Bill 460 duplicates House Bill 357

OTHER SUBSTANTIVE ISSUES

According to EMNRD, off-highway vehicles are equally used for recreational purposes and state registered off-highway vehicles are approximately equal to the amount of state registered boats. House Bill 357 attempts to link vehicle crimes with recreational vehicle crimes focusing on just boats leaves out other recreational vehicles such as all terrain vehicles, snowmobiles, which are equally susceptible to operation under the influence of alcohol or drugs and such operation has or may result in homicide or great bodily harm.

RS/bym:mew