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FISCAL IMPACT REPORT

ORIGINAL DATE 02/23/11

SPONSOR Cravens LAST UPDATED _____ HB _____

SHORT TITLE No Car Interlock for Certain Convictions SB 509

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	0	Unknown See Below	Unknown See Below		Recurring	Interlock Device Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to: SB 3, Blood Tests for Intoxication and Drugs; SB 127, Prohibit Certain DWI Plea Agreements; SB 197, Use of Electronic Sobriety Monitoring Devices; SB 306, Home Breathalyzer for Certain DWI Offenders; SB 307, Seizure of Vehicle for Certain DWI Offenders; SB 308, Interlock Regulations for DWI Offenders; SB 387, Chemical Tests with Probable Cause of DWI ; HB 49, DWI as Drugs in Blood & Interlock for Alcohol; HB 183, DWI First Offender Follow-Up Program; HB 263, Vehicle Seizure W/DWI Arrest in Certain Cases; HB 325, Make DWI Death a Serious Violent Felony; HB 329, Consistent Felony DWI Convictions; HB 330, Penalty Increase for DWI Offenders.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorneys (AODA)
 Department of Transportation (DOT)
 Taxation & Revenue Department (TRD)

SUMMARY

Synopsis of Bill

Senate Bill 509 amends Section 66-5-503 NMSA 1978 to remove the prohibition against issuing an ignition interlock license to a person who has been convicted of homicide by vehicle while under the influence of liquor or drugs.

The bill has an emergency clause.

FISCAL IMPLICATIONS

The number of offenders who will need an interlock ignition on their car will be increased by this bill. If the state continues to fund this cost for indigent offenders, more money will be needed for these additional offenders.

The Interlock Device Fund is currently frozen. There will be no money available to pay for indigents in the current fiscal year. There may be some funding available in FY 2012 and FY 2013, but the increase provided by the provisions of this bill should be minimal.

SIGNIFICANT ISSUES

Currently a driver who is convicted of homicide by vehicle or great bodily injury by vehicle while under the influence of intoxicating liquor or drugs cannot obtain an ignition interlock license. As a result, because driving for six months with an ignition interlock license is a minimum condition for any DWI reinstatement, the individual can never qualify for reinstatement of his driving privilege. By allowing the driver to obtain an ignition interlock license, this bill would correct that situation.

SB 509 does not prescribe a specific time period that individuals convicted of homicide by vehicle or great bodily injury are required to have an interlock. DOT suggests a lifetime requirement of driving with an interlock device.

ADMINISTRATIVE IMPLICATIONS

Prosecutors will have to implement a method that will be used to notify the department of motor vehicles of the vehicular homicide conviction. They may need additional support staff to track these cases.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 509 relates to the following:

- SB 3, Blood Tests for Intoxication and Drugs
- SB 127, Prohibit Certain DWI Plea Agreements
- SB 197, Use of Electronic Sobriety Monitoring Devices
- SB 306, Home Breathalyzer for Certain DWI Offenders
- SB 307, Seizure of Vehicle for Certain DWI Offenders
- SB 308, Interlock Regulations for DWI Offenders
- SB 387, Chemical Tests with Probable Cause of DWI
- HB 49, DWI as Drugs in Blood & Interlock for Alcohol
- HB 183, DWI First Offender Follow-Up Program
- HB 263, Vehicle Seizure W/DWI Arrest in Certain Cases
- HB 325, Make DWI Death a Serious Violent Felony
- HB 329, Consistent Felony DWI Convictions
- HB 330, Penalty Increase for DWI Offenders

POSSIBLE QUESTIONS

The AODA asked the following:

When will the interlock requirement take effect for these offenders? Many offenders convicted of vehicular homicide receive a sentence of imprisonment. Logically, the interlock requirement will occur when the offender is released from prison or jail. Some offenders receive a very long sentence – 20 years – so who will keep track of the requirement that the offender must have an interlock device on the offender's car?

DW/mew