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FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/18

SPONSOR Roch **LAST UPDATED** _____ **HB** 50

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

ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal see Fiscal Implications	Minimal see Fiscal Implications	Minimal see Fiscal Implications	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB50, HB54, HB71, SB26

SOURCES OF INFORMATION

LFC Files

Responses Received From

- Public Defender Department (PDD)
- New Mexico Sentencing Commission (NMSC)
- New Mexico Corrections Department (NMCD)
- Taxation and Revenue Department (TRD)
- Energy, Minerals and Natural Resources Department (EMNRD)
- Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 50 (HB50) proposes to clarify Section 66-8-101 NMSA 1978 by adding “driving a vehicle or operating a motorboat” to the Motor Vehicle Code and prior conviction under Section 66-13-3 to the definition of a prior DWI conviction. It also adds a new section which addresses homicide and great bodily harm by boat. The violation under this bill is a third degree felony and if the person has been convicted of a DWI within 10 years of a conviction under this bill, the basic sentence will be increased by four years for each prior DWI.

FISCAL IMPLICATIONS

The Public Defender Department (PDD) anticipates minimal fiscal impact from this bill.

The Taxation and Revenue Department (TRD) reports that it will need to expend approximately \$33.6 thousand in staff resources to make changes to its computer system if this bill becomes law.

SIGNIFICANT ISSUES

The New Mexico Sentencing Commission (NMSC) states that the bill creates a more specific violation for homicide by boat that could be used instead of murder or manslaughter.

The Energy, Minerals and Natural Resources Department (EMNRD) reports that this bill gives law enforcement the option to charge an individual in a boating fatality with those crimes rather than having to choose between lesser offenses of murder or manslaughter pursuant to Section 30-2-1 or 30-2-3 NMSA 1978. Additionally, the bill makes boating while impaired convictions and driving while impaired convictions for the purpose of sentence enhancement for those convicted of either homicide by vehicle or homicide by boat and could be counted as prior DWI conviction.

PERFORMANCE IMPLICATIONS

This bill may have an impact on the following performance measures NMCD's performance measure of average caseload per standard supervision probation and parole officer.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with
HB34 DWI Blood Quantums & Ignition Interlocks
HB54 Increase DWI Penalties
HB71 DWI Suspect Blood Testing
SB26 DWI Testing Requirements

TECHNICAL ISSUES

PDD suggests amending the definition of "great bodily harm by boat" to read "the injuring of a human being to the extent defined as great bodily harm in Section 30-1-12 NMSA 1978."

ABS/sb