

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment
Correction Substitute

Date 23JAN2024

Bill No: HB 152

Sponsor: WILLIAM "BILL" R. REHM
Short Title: DWI CHANGES

Agency Name and Code

79000 – NMDPS / NMSP

Number:

Person Writing

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	0.00	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This bill proposes to various changes to the DWI criminal and administrative statutes, including prohibiting the driving of a motor vehicle while under the influence of any controlled substances or with any amount of certain metabolites in the driver's blood and making the presence of any amount of a controlled substance from a chemical test justify the initiation of license revocation proceedings. The bill clarifies the requirements of an ignition interlock only apply to offenders with an alcohol concentration in their blood or breath at .08 or above and would require that upon a fourth or subsequent DWI conviction the offender petition the court to remove the ignition interlock device after five years.

FISCAL IMPLICATIONS

None to DPS.

SIGNIFICANT ISSUES

Regarding controlled substances other than alcohol, the legislation removes the statutory language of “to a degree that renders the person incapable of safely driving a vehicle” and makes any concentration of a metabolite or controlled substance in a driver's blood illegal without considering levels or previous use. Law enforcement does not have the means to obtain a search warrant for an offender’s blood for non-felony DWI offense, thus making it nearly impossible to verify the presence of a controlled substance or metabolite if the driver does not voluntarily consent to the blood draw.

PERFORMANCE IMPLICATIONS

None to DPS

ADMINISTRATIVE IMPLICATIONS –

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Identical bill to HB 484 from the 2023 Legislative Session

TECHNICAL ISSUES – N/A

OTHER SUBSTANTIVE ISSUES – N/A

ALTERNATIVES – N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – Status Quo

AMENDMENTS – DPS would propose amending section 66-8-111(A) to include “misdemeanor” as a way to obtain a search warrant for a DWI offender's blood for non-felony offenses. If added, this would eliminate the need to modify the remaining portion of our current DWI law.