

1 SENATE BILL 199
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY
4 Leo Jaramillo
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10 AN ACT

11 RELATING TO ALCOHOL; INCREASING THE AMOUNT OF THE LOCAL DWI
12 GRANT FUND THAT MAY BE USED FOR ADMINISTRATION OF THE LOCAL DWI
13 GRANT PROGRAM.
14

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

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

18 "11-6A-3. LOCAL DWI GRANT PROGRAM--FUND.--

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

21 (1) new, innovative or model programs,
22 services or activities to prevent or reduce the incidence of
23 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;
24 and

25 (2) programs, services or activities to

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1 prevent or reduce the incidence of domestic abuse related to
2 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

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

5 C. The "local DWI grant fund" is created in the
6 state treasury and shall be administered by the division. [~~Two~~
7 ~~million five hundred thousand dollars (\$2,500,000)] Three
8 million dollars (\$3,000,000) of liquor excise tax revenues
9 distributed to the fund and all other money in the fund, other
10 than money appropriated for distribution pursuant to
11 Subsections D and E of this section and money appropriated for
12 DWI program distributions, are appropriated to the division to
13 make grants to municipalities and counties upon council
14 approval in accordance with the program established under the
15 Local DWI Grant Program Act and to evaluate DWI grantees and
16 the local DWI grant program. Money in the fund may be used for
17 drug courts. An amount equal to the liquor excise tax revenues
18 distributed annually to the fund, less [~~five million six~~
19 ~~hundred thousand dollars (\$5,600,000)] six million one hundred
20 thousand dollars (\$6,100,000), is appropriated to the division
21 to make DWI program distributions to counties upon council
22 approval of programs in accordance with the provisions of the
23 Local DWI Grant Program Act. No more than [~~six hundred~~
24 ~~thousand dollars (\$600,000)] one million one hundred thousand
25 dollars (\$1,100,000) of liquor excise tax revenues distributed~~~~~~

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1 to the fund in any fiscal year shall be expended for
2 administration of the grant program. Balances in the fund at
3 the end of any fiscal year shall not revert to the general
4 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 the
7 liquor excise tax revenues distributed to the local DWI grant
8 fund is appropriated to the division for the interlock device
9 fund.

10 F. In awarding DWI grants to local communities, the
11 council:

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

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

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

22 (4) may fund existing community-based
23 programs, services or facilities for prevention and treatment
24 of domestic abuse related to DWI, alcoholism or alcohol abuse;

25 (5) shall give consideration to a broad range

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1 of approaches to prevention, education, screening, treatment or
2 alternative sentencing, including programs that combine
3 incarceration, treatment and aftercare, to address the problem
4 of DWI, alcoholism or alcohol abuse; and

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

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

19 SECTION 2. Section 11-6A-6 NMSA 1978 (being Laws 1997,
20 Chapter 182, Section 2, as amended) is amended to read:

21 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
22 FUNDS--APPROVAL OF PROGRAMS.--

23 A. An amount equal to the liquor excise tax
24 revenues distributed to the local DWI grant fund for the fiscal
25 year less [~~five million six hundred thousand dollars~~

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1 ~~(\$5,600,000)]~~ six million one hundred thousand dollars
2 (\$6,100,000) shall be available for distribution in accordance
3 with the formula in Subsection B of this section to each county
4 for council-approved DWI programs, services or activities;
5 provided that each county shall receive a minimum distribution
6 of at least one-half percent of the money available for
7 distribution.

8 B. Each county shall be eligible for a DWI program
9 distribution in an amount derived by multiplying the total
10 amount of money available for distribution by a percentage that
11 is the average of the following two percentages:

12 (1) a percentage equal to a fraction, the
13 numerator of which is the retail trade gross receipts in the
14 county and the denominator of which is the total retail trade
15 gross receipts in the state; and

16 (2) a percentage equal to a fraction, the
17 numerator of which is the number of alcohol-related injury
18 crashes in the county and the denominator of which is the total
19 alcohol-related injury crashes in the state.

20 C. A county shall be eligible to receive the
21 distribution determined pursuant to Subsection B of this
22 section if the board of county commissioners has submitted to
23 the council a request to use the distribution for the operation
24 of one or more DWI programs, services or activities in the
25 county and the request has been approved by the council. The

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1 request shall also comply with local DWI grant program rules
2 and guidelines.

3 D. No later than April 1 each year, each board of
4 county commissioners seeking approval for the DWI program
5 distribution pursuant to this section shall make application to
6 the division for review and approval by the council for one or
7 more local DWI programs, services or activities in the county.
8 Application shall be made on a form and in a manner determined
9 by the division. The council shall approve the programs
10 eligible for a distribution no later than July 1 of each year.
11 The division shall make the annual distribution to each county
12 in quarterly installments on or before each September 10,
13 December 10, March 10 and June 10, beginning in September 2004.
14 The amount available for distribution quarterly to each county
15 shall be the amount determined by applying the formula in
16 Subsection B of this section to the amount of liquor excise tax
17 revenues in the local DWI grant fund at the end of the month
18 prior to the quarterly installment due date and after [~~one~~
19 ~~million three hundred twenty-five thousand dollars~~
20 ~~(\$1,325,000)~~] one million five hundred twenty-five thousand
21 dollars (\$1,525,000) has been set aside for the DWI grant
22 program and after the appropriations and distributions pursuant
23 to Subsections D and E of Section 11-6A-3 NMSA 1978.

24 E. If a county does not have a council-approved DWI
25 program, service or activity or does not need the full amount

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1 of the available distribution, the unused money shall revert to
2 the local DWI grant fund and may be used by the council for the
3 local DWI grant program.

4 F. As used in this section:

5 (1) "alcohol-related injury crashes" means the
6 average annual number of alcohol-related injury crashes during
7 the period from January 1, 2000 through December 31, 2002, as
8 determined by the traffic safety bureau of the [~~state highway~~
9 ~~and transportation~~] department of transportation; and

10 (2) "retail trade gross receipts" means the
11 total reported gross receipts attributable to taxpayers
12 reporting under the retail trade industry sector of the state
13 for the most recent fiscal year as determined by the taxation
14 and revenue department."

15 SECTION 3. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2025.