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FISCAL IMPACT REPORT

SPONSOR:	Pederson	DATE TYPED:	02/11/00	HB	352/aHJC
SHORT TITLE:	Habitual DWI Offender Penalties			SB	
				ANALYST:	O'Connell

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
	\$ 300.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

SOURCES OF INFORMATION

LFC files

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment provides that the Corrections Department shall provide substance abuse counseling or treatment or both to persons convicted of felony DWI. The amendment inserts an appropriation of \$300.0 in recurring general fund for expenditure in FY01 to the Corrections Department to provide counseling and treatment.

Synopsis of Bill

House Bill 352 would amend Section 31-18-17 NMSA 1978 (the Habitual Offenders Act) to exempt DWI offenders from the provisions of the act relative to convictions for other non-DWI felonies. House Bill 352 increases the penalties for repeat DWI offenders by creating new mandatory minimum sentences for fourth and subsequent DWI convictions.

Significant Issues

A fourth conviction for DWI would result in a fourth degree felony with an 18 month sentence (six months of which cannot be suspended). A fifth conviction would result in a two year sentence with a year of mandatory incarceration. A sixth conviction would require thirty months (eighteen mandatory) and a seventh or subsequent conviction would result in a three year sentence with two years of mandatory incarceration.

BOC/gm