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FISCAL IMPACT REPORT

SPONSOR:	Vernon	DATE TYPED:	02/13/00	HB	
SHORT TITLE:	DWI Penalties			SB	301/aSPAC/aSJC
				ANALYST:	O'Connell

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
		NFI	NFI		

(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)

Attorney General (AG)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment changes the title of the bill to provide that courts shall increase sentences for habitual offenders. The amendment removes the requirements for offenders to serve terms of physical confinement in jail and describes the sentence increases for fifth and subsequent convictions. A fifth conviction will increase by one year, a sixth by four years and a seventh or later conviction will increase by eight years. These increases shall not be suspended or deferred.

Synopsis SPAC Amendment

The Senate Public Affairs Committee amendment provides that offenders convicted of second or subsequent offenses are required to complete a thirty-day inpatient treatment program or a ninety-day outpatient treatment program.

Synopsis of Original Bill

Senate Bill 301 amends Section 31-18-17 NMSA 1978 (the criminal Sentencing Act) to provide that a felony DWI conviction is a prior felony conviction for the purposes of habitual offender sentencing. The bill also provides that mandatory sentences for aggravated DWI or subsequent DWI convictions must include a specific number of hours of physical confinement in jail (as opposed to work release or house arrest) and that sentences for felony convictions for fourth or subsequent convictions must be for a term of imprisonment rather than a jail term. Finally, Senate Bill 301 provides that offenders convicted for a second or subsequent offense are required to complete a thirty-day inpatient treatment program or a sixty-day outpatient treatment program approved by the court.

BOC/njw:gm