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HOUSE BILL 215

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO ALCOHOL; AMENDING SECTIONS OF THE NMSA 1978 TO  
PROVIDE FOR SUBSTANCE ABUSE TREATMENT UNDER THE LOCAL DWI GRANT  
FUND PROGRAM.

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

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

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

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

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

(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) of liquor  
8 excise tax revenues distributed to the fund and all other money  
9 in the fund, other than money appropriated for distribution  
10 pursuant to Subsections D and E of this section and money  
11 appropriated for DWI program distributions, are appropriated to  
12 the division to make grants to municipalities and counties upon  
13 council approval in accordance with the program established  
14 under the Local DWI Grant Program Act and to evaluate DWI  
15 grantees and the local DWI grant program. Money in the fund  
16 may be used for drug courts. An amount equal to the liquor  
17 excise tax revenues distributed annually to the fund, less five  
18 million six hundred thousand dollars (\$5,600,000), is  
19 appropriated to the division to make DWI program distributions  
20 to counties upon council approval of programs in accordance  
21 with the provisions of the Local DWI Grant Program Act. No  
22 more than six hundred thousand dollars (\$600,000) of liquor  
23 excise tax revenues distributed to the fund in any fiscal year  
24 shall be expended for administration of the grant program.  
25 Balances in the fund at the end of any fiscal year shall not

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1 revert to the general fund.

2 D. Two million eight hundred thousand dollars  
3 (\$2,800,000) of the liquor excise tax revenues distributed to  
4 the local DWI grant fund is appropriated to the division for  
5 distribution to the following counties in the following amounts  
6 for funding of alcohol and drug detoxification and treatment  
7 facilities:

8 (1) one million seven hundred thousand dollars  
9 (\$1,700,000) to class A counties with a population of over  
10 three hundred thousand persons according to the 1990 federal  
11 decennial census;

12 (2) three hundred thousand dollars (\$300,000)  
13 each to counties reclassified in 2002 as class A counties with  
14 a population of more than ninety thousand but less than one  
15 hundred thousand persons according to the 1990 federal  
16 decennial census;

17 (3) two hundred thousand dollars (\$200,000) to  
18 class B counties with a population of more than thirty thousand  
19 but less than forty thousand persons according to the 1990  
20 federal decennial census;

21 (4) one hundred fifty thousand dollars  
22 (\$150,000) to class B counties with a population of more than  
23 sixty-two thousand but less than sixty-five thousand persons  
24 according to the 1990 federal decennial census; and

25 (5) one hundred fifty thousand dollars

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1 (\$150,000) to class B counties with a population of more than  
2 thirteen thousand but less than fifteen thousand persons  
3 according to the 1990 federal decennial census.

4 E. Three hundred thousand dollars (\$300,000) of the  
5 liquor excise tax revenues distributed to the local DWI grant  
6 fund is appropriated to the division for the interlock device  
7 fund.

8 F. In awarding DWI grants to local communities, the  
9 council:

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

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

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

21 (4) may fund existing community-based  
22 programs, services or facilities for prevention and treatment  
23 of domestic abuse related to DWI, alcoholism or alcohol and  
24 substance 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 and substance 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 drug and alcohol-related  
18 treatment and detoxification programs."

19 SECTION 2. Section 43-3-10 NMSA 1978 (being Laws 1985,  
20 Chapter 185, Section 3, as amended) is amended to read:

21 "43-3-10. DEFINITIONS.--As used in Chapter 43, Article 3  
22 NMSA 1978:

- 23 A. "board" means the board of county commissioners  
24 of a county;
- 25 B. "department" means the human services

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1 department;

2 C. "DWI program" means a community program  
3 specifically designed to provide treatment, aftercare or  
4 prevention of or education regarding driving while under the  
5 influence of alcohol or drugs;

6 D. "incarceration and treatment facility" means a  
7 minimum security detention facility that provides a DWI  
8 program;

9 E. "planning council" means a county DWI planning  
10 council;

11 F. "screening program" means a program that  
12 provides screening or examination by alcoholism and substance  
13 abuse treatment professionals of persons charged with or  
14 convicted of driving while intoxicated or other offenses to  
15 determine whether the person is:

16 (1) physically dependent on alcohol and thus  
17 suffering from the disease of alcoholism;

18 (2) an alcohol abuser who has not yet  
19 developed the alcoholism disease syndrome but has an entrenched  
20 pattern of pathological use of alcohol and social or  
21 occupational impairment in function from alcohol abuse; ~~[or]~~

22 (3) neither an alcoholic nor an alcohol abuser  
23 such that alcoholism treatment is not necessary; and that  
24 provides referral or recommendation of such persons to the most  
25 appropriate treatment;

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1                   (4) physically dependent on drugs and thus  
2 suffering from the disease of drug addiction;

3                   (5) a substance abuser who has not yet  
4 developed a drug addiction but has an entrenched pattern of  
5 pathological use of substance and a social or occupational  
6 impairment in function from substance abuse; or

7                   (6) neither addicted to drugs nor a substance  
8 abuser such that substance abuse treatment is not necessary;  
9 and that provides referral or recommendation of such persons to  
10 the most appropriate treatment; and

11                   G. "statewide substance abuse services plan" means  
12 the comprehensive plan for a statewide services network  
13 developed by the department that documents the extent of New  
14 Mexico's substance abuse problem and statewide needs for  
15 prevention, screening, detoxification, short-term and long-term  
16 rehabilitation, outpatient programs and DWI programs. The plan  
17 shall be based on the continuum of care concept of a  
18 comprehensive prevention and treatment system."

19                   **SECTION 3.** Section 43-3-14 NMSA 1978 (being Laws 1993,  
20 Chapter 65, Section 13) is amended to read:

21                   "43-3-14. COUNTY DWI PLANNING COUNCILS AUTHORIZED--  
22 MEMBERSHIP.--

23                   A. A board may create a county DWI planning council  
24 and appoint the members for terms set by the board. The  
25 members of the planning council shall be selected to represent

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1 a broad spectrum of interests and may include county officials,  
2 DWI program and service providers, law enforcement officers,  
3 alcohol and substance abuse counselors and therapists, school  
4 administrators and local political leaders.

5 B. The members of a planning council shall elect  
6 from among the membership of the planning council a [~~chairman~~]  
7 chair for a term designated by the board. The planning council  
8 shall meet at the call of the [~~chairman~~] chair.

9 C. Planning council members shall receive per diem  
10 and mileage reimbursement as provided in the Per Diem and  
11 Mileage Act and shall receive no other compensation, perquisite  
12 or allowance."

13 SECTION 4. Section 43-3-15 NMSA 1978 (being Laws 1993,  
14 Chapter 65, Section 14) is amended to read:

15 "43-3-15. COUNTY DWI PLANS.--

16 A. With the advice of the planning council, the  
17 board or its designee shall prepare a county DWI plan. Upon  
18 approval of the DWI plan by the board and the planning council,  
19 the board shall submit the DWI plan to the department for  
20 approval and integration into the statewide [~~alcoholism~~]  
21 substance abuse services plan.

22 B. Two or more boards may agree to establish a  
23 multicounty DWI plan.

24 C. Each county DWI plan shall include:

25 (1) a county needs assessment that identifies



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1 and quantifies:

2 (a) the major factors that affect access  
3 to and the success or effectiveness of local DWI programs;

4 (b) the gaps and needs not covered in  
5 local DWI programs; and

6 (c) the extent to which county residents  
7 use DWI programs available in other counties;

8 (2) an inventory of existing public and  
9 private DWI providers and programs in the county, including  
10 identification of any DWI program duplication, and existing  
11 governmental funding and other resources, including county  
12 funding, for county DWI programs; and

13 (3) recommendations and goals for providing,  
14 improving and funding DWI programs in the county, based on the  
15 needs assessment and inventory, and including proposals to  
16 eliminate duplication of programs and services, improve access  
17 to programs and services, establish new programs or services,  
18 provide additional funding, in-kind contributions and other  
19 resources for existing programs and where feasible use DWI  
20 programs available in other counties.

21 D. The county DWI plan shall be updated at the  
22 request of the board or the department if the plan as  
23 implemented through the statewide [~~alcoholism~~] substance abuse  
24 services plan is not achieving its stated goals, if the needs  
25 of the county have changed or if the department determines that

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1 the distribution of funds is not having an impact on the  
2 incidence of driving while under the influence of intoxicating  
3 liquor or drugs."

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