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FISCAL IMPACT REPORT

SPONSOR Garcia, M. LAST UPDATED _____
ORIGINAL DATE 01/24/2023
SHORT TITLE Use of Automated Traffic Enforcement BILL _____
Systems NUMBER House Bill 22
ANALYST J. Torres

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
AOC	No fiscal impact	Indeterminate but substantial	Indeterminate but substantial			

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Department of Public Safety (DPS)

No Response Received

New Mexico Supreme Court (NMSC)
Taxation and Revenue Department (TRD)
Municipal League (NMML)

SUMMARY

Synopsis of House Bill 22

This bill requires that citations issued by an automated traffic enforcement system for alleged violations of: residential speed regulation, traffic control signal red lights, or posted school zones, be reviewed by a law enforcement official and issued to the purported driver along with a choice to pay or appear in court.

The bill also updates prior language referring to automated traffic enforcement methods.

The effective date of this bill is January 1, 2024.

FISCAL IMPLICATIONS

The bill does not include an appropriation and will likely have significant fiscal impacts on agencies that are responsible for implementing and enforcing the system, such as AOC.

SIGNIFICANT ISSUES

The AOC states:

The bill requires review by a law enforcement official, not a ‘law enforcement officer’, ‘peace officer’, or ‘officer.’ It is unknown whether the law enforcement official will qualify as a person authorized under Section 31-1-6 NMSA 1978 to issue a citation in lieu of arrest without a warrant, and whether this law enforcement official would be qualified to prosecute the action in a magistrate, metropolitan, or municipal court under Rules 6-108, 7-108, and/or 8-108. Those Rules allow ‘law enforcement officers’ to file and prosecute criminal complaints and traffic citations that are not tried before a jury, and do not involve a DWI or domestic violence charge.

AOC’s analysis highlights the need to define the term “law enforcement official”, as well as a clear description of that official’s enforcement authority.

DPS specifies that HB22 authorizes state or local law enforcement agencies (LEA’s) to use the automated traffic enforcement systems. DPS does not plan to use this equipment and thus will have no fiscal impact. Agencies that implement this system will foreseeably require additional personnel to perform the required virtual inspection, verification and administrative requirements.

DPS notes that these automated traffic systems are almost exclusively used by LEA’s in Albuquerque. The penalties are civil not criminal.

PERFORMANCE IMPLICATIONS

AOC states that the required transmission of an image, in addition to the traffic citation, may require a time consuming manual entry process. The requirement of a court summons for automated ticket recipients will also impact the Judiciary’s performance measures.

ADMINISTRATIVE IMPLICATIONS

As noted by AOC, the bill will likely impose an increased administrative, judicial, and financial burden on that agency due to its designated citation and enforcement requirements. DPS notes that this system will have a significant administrative impact on implementing agencies.

This Bill supports the City of Albuquerque’s current implementation of a traffic enforcement system.

TECHNICAL ISSUES

AOC reports that there may be technical issues regarding transmission of these citations to the courts and their entry into the courts’ automated case management systems.

JT/rl/ne