

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 106 amends various sections of the state statutes on driving under the influence as follows:

- 1) In 66-8-102 NMSA 1978, the bill amends the qualifiers for aggravated driving under the influence to specify that refusal to submit to chemical testing refers to chemical breath testing.
- 2) In 66-8-103 NMSA 1978, the bill amends the list of people who are qualified to perform a chemical blood test by removing laboratory technicians and adding emergency medical technicians and certified phlebotomists.
- 3) In 66-8-111 NMSA 1978, the bill adds that probable cause to believe that a person committed a misdemeanor while under the influence is an adequate finding to support a warrant for a blood chemical test. The bill also adds additional circumstances under which a person's charge may be aggravated if they refuse to submit to a chemical test.
- 4) In 66-8-111.1 NMSA 1978, the bill incorporates the testing in 66-8-111 into the provision for an officer to issue an immediate written notice of license revocation.
- 5) Throughout, the bill changes "blood-alcohol" testing to "chemical blood" testing, and includes "cannabis" with alcohol and controlled substances when describing intoxicating substances. The bill also provides a definition for "cannabis".

The bill makes similar changes in the Boating While Intoxicated Act.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

It is difficult to determine what the effect of passing HB 106 would be on the state's prison population, but expanding the universe of circumstances under which an officer can request a warrant for a chemical blood test for a suspected DUI would also likely result in more people being imprisoned for a DUI offense. The average length of stay for convictions under the state's DUI laws is 385 days.

The average cost to incarcerate someone in the state's prison system is \$155.63/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS