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FISCAL IMPACT REPORT

SPONSOR: Tsosie DATE TYPED: 03/02/01 HB _____
 SHORT TITLE: Increase Penalty for Sales to Intoxicated SB 565
 ANALYST: Valdes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

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

SUMMARY

Synopsis of Bill

Senate Bill 565 increases the penalty for providing alcoholic beverages to an intoxicated person to a fourth degree felony.

Significant Issues

This bill will require closer scrutiny by sales clerks of persons wishing to buy alcohol. It might require liquor store management to provide additional training to sales clerks to identify intoxicated persons. The penalty imposed by this bill will make clerks more cautious about selling to intoxicated persons.

This bill is an attempt to improve the personal safety of intoxicated individuals and will assist in the prevention of DWI-related traffic accidents and deaths. This bill would promote traffic safety.

Existing statutes prohibit sales of alcohol to intoxicated persons. The bill would make this violation a fourth degree felony. It is up to the discretion of the clerk to determine if the person purchasing alcohol is intoxicated. A young, inexperienced liquor store clerk may not know the signs of intoxication or may be intimidated by an older adult wishing to purchase alcohol. Further, if the law is applied to private individuals who are sponsoring a function where alcohol is served, they might be subject to this law if alcohol is served to an intoxicated person. The individuals described above will be subject to fourth degree penalty charges.

PERFORMANCE IMPLICATIONS

The impact of this bill will support the overarching agency goal of traffic safety. Getting intoxicated persons off the road will bring down DWI-related traffic accidents and deaths.

FISCAL IMPLICATIONS

This bill might have a minimal impact on the agencies associated with enforcement and the courts, however, the benefits would outweigh the additional costs of enforcement.

ADMINISTRATIVE IMPLICATIONS

This bill might cause additional workload for the Alcohol and Gaming Division of the Regulation and Licensing Department, Department of Public Safety, district attorneys and the judicial system.

MV/ar