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FISCAL IMPACT REPORT

SPONSOR SPAC DATE TYPED 2/17/2004 HB _____

SHORT TITLE Providing Alcohol To A Minor SB 450/SPACS

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			See Narrative		

Relates to: HB 94, HB 115, HB 117, HB 131, HB 202, HB 316, HB 487, SB 22, SB 99, SB 449, SB 505

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The Senate Public Affairs Committee substitute for Senate Bill 450 amends the Liquor Control Act by increasing the criminal penalties for providing alcohol to a minor.

The bill provides that a person who procures for or sells, gives, serves, or otherwise supplies alcoholic beverages to a minor is guilty of a fourth degree felony and the offender shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978. The penalties of increasing severity for first, second and third violations are eliminated.

When someone other than the minor procures for another person through concealment of the facts to the person giving the alcohol to the minor, the person doing the misrepresentation and deceiving is guilty of a fourth degree felony. A person who is deceived by someone else into providing the minor with alcohol is not guilty of a crime.

The bill allows an adult spouse of a minor to serve alcohol to that minor on real property, other than licensed premises, under the control of the spouse who must be over 21. It also allows alcoholic beverages to be used by a minor in the practice of religious beliefs.

FISCAL IMPLICATIONS

AOC notes there will be a minimal administrative cost for statewide update, distribution, and

documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

ADMINISTRATIVE IMPLICATIONS

Law enforcement personnel will have to incorporate the provisions of this bill into their current responsibilities.

There is an administrative impact on the court resulting from added judicial time needed to dispose of these types of cases in the manner provided under the law.

RELATIONSHIP

Relates to:

HB 94 which will reconcile multiple amendments to section 66-8-102 NMSA 1978 relating to driving while under the influences of intoxicating liquor or drugs.

HB 115 and HB 117 which will increase the tax distribution to the local DWI grant fund, increase distributions from the fund, and make appropriations.

HB 131 which proposes an eight county regional alcohol treatment center. HB 117 also appears to have the same intent.

SB 22 which will amend the definition of "division" relating to the local DWI grant program act.

SB 99 which proposes to increase penalties for DWI offenders and to mandate treatment services and extend mandatory jail time.

SB 449 which will provide for forfeiture of motor vehicles, by amending and enacting sections of the NMSA 1978, relating to driving while under the influence of intoxicating liquor or drugs.

SB 505 which will make an appropriation to contract for youth programs that provide prevention training for use and abuse of alcohol, tobacco and illegal drugs in certain New Mexico Navajo communities.

DW/yr