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## FISCAL IMPACT REPORT

SPONSOR Beam DATE TYPED 01/27/05 HB 116/aHTRC

SHORT TITLE Drunkbuster Hotline & Fund SB \_\_\_\_\_

ANALYST Ford

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$350.0			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Department of Public Safety (DPS)  
 Department of Transportation (DOT)  
 Public Defender Department (PDD)  
 Taxation and Revenue Department (TRD)

### SUMMARY

#### Synopsis of HTRC Amendment

The House Taxation and Revenue Committee amendment removes the provision creating the special “drunkbusters fund” and the provision assessing a \$3 fee on all individuals convicted of a moving violation. The amendment appropriates \$350 thousand from the general fund to the Department of Public Safety for the operation of the drunkbusters hotline. The amendment removed the provision providing for a possible reward to callers who provide information that leads to an arrest.

#### Synopsis of Original Bill

House Bill 116 requires the establishment of the drunkbusters hotline. This toll free, 24 hours per day hotline would be available to the public for reporting persons suspected of driving under the influence and persons suspected of selling alcohol to minors.

### Significant Issues

The bill specifies that the hotline must be available to all parts of the state 24 hours per day but does not specify whether calls to the hotline must be answered by a person or whether calls and information can be taken on an automated answering system. Given the nature of the offense of DWI, it would seem necessary for the hotline to be answered by a person so that tips could receive immediate follow-up. Depending on the call volume and the required response for each call, this could entail a significant dedication of employee time.

In order to apprehend motorists driving while intoxicated through tips to the hotline, DPS would have to develop an effective system for screening calls and routing information to appropriate law enforcement agencies. This would have to be done in a timely manner if local law enforcement is to catch up with intoxicated motorists. This will likely increase the workload of the department, but also of local law enforcement agencies and the state police. To the extent that these tips are accurate, the increased workload may lead to increased DWI arrests and the prevention of alcohol-related accidents. However, if a significant portion of the tips are misguided or incomplete, this may actually detract from law enforcement's other efforts to effectively combat DWI and other traffic safety problems.

For the hotline to be effective, individuals must be aware of its existence and be able to call the hotline immediately upon observing an incidence of possible DWI. This would likely require substantive outreach efforts on the part of the department to make the public aware of the hotline.

### **PERFORMANCE IMPLICATIONS**

Both DOT and DPS have performance measures related to impaired driving, including measures relating to DWI arrests and alcohol related accidents, fatalities and injuries. To the extent that the hotline provides useful information and/or serves as an additional deterrent to potential impaired drivers, this bill could help both departments improve on their performance measures.

### **FISCAL IMPLICATIONS**

The cost to operate the drunkbusters hotline would largely be dependent on call volume, which is difficult to predict. According to the General Services Department, there is a ten cent-per-minute charge to operate a toll free number, but no charge to establish the number unless voice mail is required.

The Department of Public Safety estimates the cost to operate the program would be \$500 thousand per year.

Various state agencies operate toll-free numbers and hotlines. The call volume for these numbers varies widely. For example, the Department of Health operates a hotline for childhood vaccinations and receives approximately 50 calls per week. The department is able to staff this hotline with existing staff. In contrast, the Department of Transportation operates the road advisory hotline, which can receive as many as 15,000 calls in a single day when weather conditions are poor. This hotline, however, is not answered by a person but rather provides a recorded update on road conditions.

Unlike other existing state hotlines, the drunkbusters hotline would have to be staffed on a daily basis, 24 hours per day. If the hotline were staffed by an employee dedicated solely to the hotline, the department would require 4 additional FTEs. Whether or not this staffing level would indeed be necessary, or sufficient, would depend on call volume.

House Bill 116 would appropriate \$350 thousand from the general fund to the DPS for the operation of the hotline. The appropriation contained in this bill is a recurring expense to general fund. Any unexpended or unencumbered balances remaining at the end of fiscal year 2006 shall revert to the general fund.

Because cost will be dependent on call volume, it is difficult to determine if the appropriation will be sufficient to cover the costs of the phone charges, staffing the hotline, responding to tips, and conducting effective public outreach. Increased costs to local law enforcement agencies or the state police to respond to incoming information would not be covered by the appropriation.

### **ADMINISTRATIVE IMPLICATIONS**

DPS will have to adopt regulations for the program and determine the best method for operating the hotline. DPS will be responsible for determining the best way to respond to tips, which may require working to dispatch state police and local police officers to follow up on tips as they are received.

DPS notes that it will determine whether calls should go to one center or be dispatched through local 911. Local 911 centers may not be equipped to handle the increase in calls which could impact emergency services.

AOC notes minimal administrative cost for statewide update, distribution, and documentation of statutory changes.

### **OTHER SUBSTANTIVE ISSUES**

Driving while intoxicated remains a serious problem in New Mexico. In FY 03, the ratio of New Mexico alcohol-related deaths to national alcohol-related deaths per one hundred million vehicle miles drive and averaged over 5 years was 1.48, indicating that New Mexico's alcohol related deaths are significantly higher than the national average. According to Mother's Against Drunk Driving, alcohol related deaths accounted for 45% of all traffic deaths in New Mexico.

The Legislature and Governor have taken a number of actions in response to this problem, including the establishment of increased penalties for offenders, mandatory counseling, the use of ignition interlock devices for offenders, the creation of a DWI Czar to coordinate statewide efforts, public education efforts, and use of DWI checkpoints. In addition, the Governor recently called a judicial summit to discuss some of the obstacles to convicting DWI offenders.

DOT indicates that it funds over 60 law enforcement agencies to enforce impaired driving and underage drinking laws through checkpoints and saturation patrols. The department writes, "...because of limited resources, law enforcement agencies are required to target resources to the highest alcohol related crash locations and many times cannot cover other problem areas of their community. This bill would likely assist law enforcement in identifying and enforcing secondary problems in their own community, thus, further reducing alcohol related crashes, injuries

and deaths.” Finally, DOT notes that the bill could have a deterrent effect as drivers and underage drinkers would have to be cautious not just for law enforcement but also for the attentive public.

### **ALTERNATIVES**

DPS suggests that it may be possible to utilize Crime Stoppers in the effort since the program has reporting procedures in place.

### **POSSIBLE QUESTIONS**

Is the creation of a hotline the best use of appropriated money? Would other approaches, such as increased educational efforts, increased checkpoints, or increased resources to the courts so that cases can be prosecuted, be a more effective use of additional funding?

How will the department of public safety work with state and local police departments to respond to tips?

EF/yr