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FISCAL IMPACT REPORT

SPONSOR Cravens DATE TYPED 2/21/05 HB _____

SHORT TITLE Electronic Submission of DWI Statements SB 866

ANALYST Peery

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| | NFI | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)
 Public Defender Department (PDD)
 Attorney General's Office (AGO)
 Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)

No Response

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

Senate Bill 866 amends Section 66-8-111 NMSA 1978 to provide that sworn statements made by officers at the end of all Driving While Intoxicated (DWI) arrest reports may be signed and submitted electronically.

PERFORMANCE IMPLICATIONS

DPS reports the proposed legislation will be an improvement over the current method being utilized and make the reporting process more efficient.

AODA states the proposed legislation should expedite the criminal process by taking less officer

time away from other duties. This would allow officers to dedicate more time for court appearances, law enforcement activities, etc.

AGO states the hope is that the electronically submitted DWI reports will reach the district attorneys in a more timely manner to improve the prosecution of these cases. AGO reports the proposed legislation is an attempt to standardize reporting DWI cases throughout New Mexico.

AOC states the proposed legislation could have an impact on performance measures of the district courts in the following areas: cases disposed as a percent of cases filed, percent change in case filings by case type and clearance rate.

FISCAL IMPLICATIONS

AODA reports the proposed legislation should save money in lost officer time and overtime costs.

AOC states there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. AOC reports any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and any challenges to electronically submitted statements that arise. AOC states new laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts requiring additional resources to handle the increase.

ADMINISTRATIVE IMPLICATIONS

DPS reports the proposed legislation would save officers time and allow them more time to focus on field operations.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 738 requires DPS and the Motor Vehicle Division to update a standard arrest report form for law enforcement officers making a DWI arrest.

AOC states the proposed legislation conflicts with Senate Bill 603 - First DWI Offense Licenses and Interlocks, and House Bill 472 - Lower Blood Alcohol Content for DWI Convicts.

OTHER SUBSTANTIVE ISSUES

PDD states due process requires notice and an opportunity for a hearing before the State can suspend or revoke a person's driver's license. PDD reports if the statement is submitted in lieu of the officer it may not satisfy due process.

RLP/yr:lg