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FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/07

SPONSOR Foley LAST UPDATED _____ HB 568

SHORT TITLE Study Non-Invasive Alcohol Detection SB _____

ANALYST Propst

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$100.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Department of Health (DOH)

SUMMARY

Synopsis of Bill

Making an Appropriation to Study the Effectiveness of non-invasive Alcohol Detection Devices

House Bill 568 makes an appropriation of \$100.0 from the General Fund to the Department of Finance and Administration for expenditure in FY08 to study the effectiveness and feasibility of using non-invasive alcohol detection devices capable of alcohol testing and identity verification for use by the Corrections Department, Department of Public Safety, Department of Health, Department of Transportation, Public Regulation Commission and other agencies.

FISCAL IMPLICATIONS

The appropriation of \$100.0 contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

SIGNIFICANT ISSUES

The Department of Health reports that almost all offenders convicted of impaired driving are ordered to abstain from consuming alcohol as a condition of sentencing or probation. In general, however, significant staffing, resource and cost implications prohibit the use of regular and consistent blood, breath or urine testing during the probation/sentencing period.

Numerous technologies are available that employ electronic monitoring as a method of supervising offenders remotely. Electronic alcohol monitoring systems are used by probation and parole officers to track offenders whose movements and schedules are restricted to approved places and activities. Other systems can administer random alcohol and drug tests to check court-ordered conditions.

One system, Secure Continuous Remote Alcohol Monitoring (SCRAM), is currently in use in New Mexico and 38 other states. Other states have done pilot studies to assess the effectiveness of SCRAM devices. A study of the effectiveness and feasibility of using SCRAM devices in New Mexico was not found, but would be appropriate to assess the application of this technology to monitor impaired driving offenders in New Mexico.

In addition, because there are other non-invasive alcohol detection devices being used in New Mexico, such as the ignition interlock device, clarification of the subject and scope of their effectiveness and feasibility study may be recommended.

WEP/csd