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FISCAL IMPACT REPORT

ORIGINAL DATE 02/26/09
 LAST UPDATED 3/13/09 HB _____

SPONSOR Cravens

SHORT TITLE Study Ignition Interlock Effectiveness & Laws SJM 61/aHJC

ANALYST Moser

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Transportation (NMDOT)
 Administrative Office of the Courts (AOC)
 Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of HJC Amendment

House Judiciary Committee Amendment to Senate Joint Memorial 61 adds to the membership of the task force a member of the Senate and a member of the House of Representatives who will be appointed by the New Mexico Legislative Council.

Synopsis of Original Bill

Senate Joint Memorial 61 resolves that the traffic safety bureau (TSB) convene a task force to study the current effectiveness of ignition interlock requirements, identify any ambiguity in the law and make recommendations to strengthen the requirements of the law and induce positive behavior change in offenders.

The task force is to include representation from:

- Motor vehicle division
- The ignition interlock industry
- The New Mexico DWI czar
- Mothers against drunk driving

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- The attorney general's office
- The NM sheriffs' and police association
- The adult probation and parole division of the corrections department
- The NM district attorney's association
- The NM criminal defense lawyers association
- A metropolitan court judge and a magistrate court judge

The task force shall also explore improvements in data collection and accessibility of information to the courts, offender monitoring, affordability of ignition interlocks for the indigent, and adequacy of behavior modification approaches. The task force shall also study ways to enforce the law with offenders who claim they do not have access to a vehicle but who are later found to be driving without an ignition interlock. And the task force shall identify reasons for the differences in implementation and enforcement between counties.

The task force shall report its findings and recommendations to the appropriate interim legislative committee by October 1, 2009.

FISCAL IMPLICATIONS

Costs incurred to conduct the study will be borne by agencies and organizations involved.

SIGNIFICANT ISSUES

The AOC notes that "As SJM 61 makes reference to combining the ignition interlock with treatment and other sanctions to "instill sober driving habits," it may be appropriate to include a representative of a treatment provider with experience in treating alcoholism and substance abuse.

The scope of work for the task force is large. Exploring and reporting on the "adequacy of behavior modification approaches" and on the "differences in implementation and enforcement between counties" are large tasks individually, and will require time to be adequately addressed, along with the other work outlined for the task force. It is possible the task force can meet frequently before the October 1, 2009, deadline, but in light of the current budget problems and staff shortages that may not be possible; as a result, the current deadline may limit the ability of the task force to adequately address its scope of work with the time and resources available."

NMDOT indicates that TSB has statutory oversight of the ignition interlock program and interlock indigent fund. The task force proposed by SJM 61 can assist the TSB to identify and close potential loopholes that exist in the law to ensure that DWI offenders that are required to have an interlock device are in compliance with the existing requirements.

The study and report requested in SJM 61 fall under existing TSB functions, powers and duties as listed in NMSA 1978, Sec. 66-7-506 and will assist the TSB in its efforts to improve the existing ignition interlock program and promote traffic safety.

TSB currently partners with all the agencies listed in SJM 61 as representatives in the task force, including the Motor Vehicle Division of the Taxation and Revenue Department, the ignition interlock vendor industry, the New Mexico DWI czar, Mothers Against Drunk Driving, the Office of the Attorney General, the New Mexico Sheriffs' and Police Association, the Adult

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Probation and Parole Division of the Corrections Department, the New Mexico District Attorney's Association, the New Mexico Criminal Defense Lawyers Association, a Metropolitan Court judge and a Magistrate judge.

RELATIONSHIP

Relates to SB 270, SB 307, SB 309, SB 499, SB 275, HB 596.

GM/svb:mt