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SENATE BILL 135

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO LIQUOR; AMENDING A SECTION OF THE LOCAL DWI GRANT PROGRAM ACT TO PROVIDE FOR LEASING INTERLOCK DEVICES FOR QUALIFIED INDIGENT OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 11-6A-3 NMSA 1978 (being Laws 1993, Chapter 65, Section 3, as amended) is amended to read:

"11-6A-3. LOCAL DWI GRANT PROGRAM--FUND.--

A. The division shall establish a local DWI grant program to make grants to municipalities or counties for:

(1) new, innovative or model programs, services or activities to prevent or reduce the incidence of DWI, alcoholism, alcohol abuse, drug addiction or drug abuse; and

(2) programs, services or activities to

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1 prevent or reduce the incidence of domestic abuse related to
2 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

3 B. Grants shall be awarded by the council pursuant
4 to the advice and recommendations of the division.

5 C. The "local DWI grant fund" is created in the
6 state treasury and shall be administered by the division. Two
7 million five hundred thousand dollars (\$2,500,000) of liquor
8 excise tax revenues distributed to the fund and all other money
9 in the fund, other than money appropriated for distribution
10 pursuant to Subsections D and E of this section and money
11 appropriated for DWI program distributions, are appropriated to
12 the division to make grants to municipalities and counties upon
13 council approval in accordance with the program established
14 under the Local DWI Grant Program Act and to evaluate DWI
15 grantees and the local DWI grant program. Money in the fund
16 may be used for drug courts. An amount equal to the liquor
17 excise tax revenues distributed annually to the fund less five
18 million six hundred thousand dollars (\$5,600,000) is
19 appropriated to the division to make DWI program distributions
20 to counties upon council approval of programs in accordance
21 with the provisions of the Local DWI Grant Program Act. No
22 more than six hundred thousand dollars (\$600,000) of liquor
23 excise tax revenues distributed to the fund in any fiscal year
24 shall be expended for administration of the grant program.
25 Balances in the fund at the end of any fiscal year shall not

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1 revert to the general fund.

2 D. Two million eight hundred thousand dollars
3 (\$2,800,000) of the liquor excise tax revenues distributed to
4 the local DWI grant fund is appropriated to the division for
5 distribution to the following counties in the following amounts
6 for funding of alcohol detoxification and treatment facilities:

7 (1) one million seven hundred thousand dollars
8 (\$1,700,000) to class A counties with a population of over
9 three hundred thousand persons according to the 1990 federal
10 decennial census;

11 (2) three hundred thousand dollars (\$300,000)
12 each to counties reclassified in 2002 as class A counties with
13 a population of more than ninety thousand but less than one
14 hundred thousand persons according to the 1990 federal
15 decennial census;

16 (3) two hundred thousand dollars (\$200,000) to
17 class B counties with a population of more than thirty thousand
18 but less than forty thousand persons according to the 1990
19 federal decennial census;

20 (4) one hundred fifty thousand dollars
21 (\$150,000) to class B counties with a population of more than
22 sixty-two thousand but less than sixty-five thousand persons
23 according to the 1990 federal decennial census; and

24 (5) one hundred fifty thousand dollars
25 (\$150,000) to class B counties with a population of more than

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1 thirteen thousand but less than fifteen thousand persons
2 according to the 1990 federal decennial census.

3 E. Three hundred thousand dollars (\$300,000) of the
4 liquor excise tax revenues distributed to the local DWI grant
5 fund is appropriated to the division for the interlock device
6 fund to cover the costs of installing, leasing and removing
7 ignition interlock devices for indigent people who are
8 required, pursuant to convictions under Section 66-8-102 NMSA
9 1978, to install those devices in their vehicles.

10 F. In awarding DWI grants to local communities, the
11 council:

12 (1) may fund new or existing innovative or
13 model programs, services or activities designed to prevent or
14 reduce the incidence of DWI, alcoholism or alcohol abuse;

15 (2) may fund existing community-based
16 programs, services or facilities for prevention, screening and
17 treatment of alcoholism and alcohol abuse;

18 (3) may fund new or existing innovative or
19 model programs, services or activities of any kind designed to
20 prevent or reduce the incidence of domestic abuse related to
21 DWI, alcoholism or alcohol abuse;

22 (4) may fund existing community-based
23 programs, services or facilities for prevention and treatment
24 of domestic abuse related to DWI, alcoholism or alcohol abuse;

25 (5) shall give consideration to a broad range

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1 of approaches to prevention, education, screening, treatment or
2 alternative sentencing, including programs that combine
3 incarceration, treatment and aftercare, to address the problem
4 of DWI, alcoholism or alcohol abuse; and

5 (6) shall make grants only to counties or
6 municipalities in counties that have established a DWI planning
7 council and adopted a county DWI plan or are parties to a
8 multicounty DWI plan that has been approved by the council and
9 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only
10 for programs, services or activities consistent with that plan.
11 A DWI plan shall also comply with local DWI grant program rules
12 and guidelines.

13 G. The council shall use the criteria in Subsection
14 F of this section to approve DWI programs, services or
15 activities for funding through the county DWI program
16 distribution. Sixty-five percent of the DWI grants awarded to
17 local communities shall be used for alcohol-related treatment
18 and detoxification programs."