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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/12  
 LAST UPDATED 02/11/12    **HB** \_\_\_\_\_

SPONSOR Asbill

SHORT TITLE Interlocks for Certain Crime Convictions    **SB** 71/aSfI#1

ANALYST Jorgensen

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Unknown	Unknown	Unknown	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

- Attorney General’s Office (AGO)
- Administrative Office of the Courts (AOC)
- Taxation and Revenue Department (TRD)
- Public Defender Department (PDD)
- Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of SFI Amendment #1

The Senate Floor Amendment #1 to Senate Bill 71 clarifies on page one that an individual convicted of homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs may receive an ignition interlock license after the completion of the sentence for that crime, or with the approval of that individual’s probation and parole officer. Language is inserted on page three, line one which clarifies that the provisions of the legislation apply to those convicted of homicide or great bodily harm by vehicle while intoxicated. Language stating that driving privileges for those convicted of homicide or great bodily harm while driving under the influence may be reinstated during the probationary or parole period “for the purpose of engaging in gainful employment, attending school or attending a court ordered treatment program” has been stricken, though this limited purpose language does appear on page 2 lines 3-6.

Synopsis of Original Bill

Senate bill 71 requires that a person who has been convicted of homicide by vehicle or great bodily harm while DWI shall not be issued an ignition interlock license unless that person has completed serving the sentence for that crime, including probation and parole or the person's probation and parole officer has approved a limited driving privilege during probation or parole for the purposes of engaging in gainful employment, attending school or attending court ordered treatment. Currently a driver who is convicted of homicide by vehicle or great bodily injury by vehicle while under the influence of intoxicating liquor or drugs cannot obtain an ignition interlock license. This bill gives a person who has been convicted of vehicular homicide or great bodily harm by vehicle the opportunity to obtain an ignition interlock license under limited circumstances.

**FISCAL IMPLICATIONS**

None reported.

**SIGNIFICANT ISSUES**

NMCD has concerns that the bill, if passed, would expose NMCD and its probation and parole officers to liability and to the uncertainty of expensive and time-consuming litigation.

**ADMINISTRATIVE IMPLICATIONS**

Procedures will need to be developed for communication to MVD by the appropriate areas (courts, corrections department and/or probation or parole officer) within the criminal justice system.

**TECHNICAL ISSUES**

According to TRD, compliance with this bill, as written, would require that MVD implement a new license type (limited ignition interlock) or a new limited-use restriction specific to ignition interlock licenses.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

CJ/svb