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FISCAL IMPACT REPORT

ORIGINAL DATE 02/25/13

SPONSOR SJC LAST UPDATED _____ HB _____

SHORT TITLE Increase Certain Careless Driving Penalties SB 290/SJCS

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$59.7-119.5	\$59.7-119.5	\$119.5-239	Recurring	Counties

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Public Defender Department (PDD)
 Attorney General's Office (AGO)
 New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

Senate Bill 290 Amends Section 66-8-114 NMSA 1978, governing the crime of careless driving, to provide that while a person who commits careless driving is to be punished under the misdemeanor penalty section of the Motor Vehicle Code, providing a penalty of a fine of not more than \$300 or by imprisonment for not more than 90 days or both, a person who commits careless driving that results in death or great bodily harm to another is guilty of a misdemeanor punishable in accordance with Section 31-19-1 NMSA 1978, providing a penalty of a fine of not more than \$1,000 or by imprisonment for a definite term less than one year or to both.

SB 290 defines "great bodily harm" as "an injury to a person that creates a high probability of death, that causes serious disfigurement or that results in permanent or protracted loss or impairment of the function of any member or organ of the body."

The effective date of the Act is July 1, 2013.

FISCAL IMPLICATIONS

The fiscal impact in the table above reflects the potential increased costs to county jails from the potential sentence enhancement that will result from SB 290. The fiscal impact is based on the average daily operating costs per inmate for county jails (\$66.38 in FY11) multiplied by the presumed sentence enhancement (90 days) and reflects a range of individuals convicted (10 inmates to 20 inmates).

SIGNIFICANT ISSUES

The AGO reports that based on NMDOT stats for careless driving citations, there were about 500 cases over a ten-year period, from 2002 to 2011, where victims were seriously injured or killed by careless drivers. In the long run, there would not be a significant impact on the criminal justice system.

Because county facilities house misdemeanants, there would be no impact to the NMCD budget. The PDD reports that any increase in workload associated with this bill will likely be absorbed in the current budget. The AOC anticipates an increase in the demand for jury trials in magistrate courts which may require more resource, but did not provide an estimated cost for this potential increase in jury trials.

NCJ/blm