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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 2/17/15

**SPONSOR** Munoz **LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_

**SHORT TITLE** DWI For Any Alcohol in People Under 21 **SB** 511

**ANALYST** Malone

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$2.0			\$2.0	Nonrecurring	TRD-ITD Operating Budget

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 30, HB 86, HB 131, HB 303, HB 355, HB 359, HB 404, SB 463, and SB 499.  
Conflicts with HB 120, HB 292, HB 356 and SB 428.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Taxation and Revenue Department (TRD)  
Attorney General’s Office (AG)  
Administrative Office of the Courts (AOC)  
Department of Health (DOH)  
Children, Youth, and Families Department (CYFD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 511 amends sections of the Motor Vehicle Code to require license revocation pursuant to the implied consent act when the blood or breath of a person less than 21 years of age contains any detectable alcohol concentration. SB 511 also requires commercial driver’s license disqualification for any person less than 21 years of age whose blood or breath tested pursuant to the implied consent act contains any detectable alcohol concentration. In current statute, the limit is .02 percent.

### FISCAL IMPLICATIONS

TRD estimates that the costs to the department to implement the required changes would be

about \$2 thousand for roughly 40 hours of work performed by the information Technology Division.

### **SIGNIFICANT ISSUES**

The 2011 New Mexico Youth Risk & Resiliency Survey found that 9 percent of high school students reported drinking and driving, while over 25 percent reported riding in a vehicle with a driver who had been drinking.

DOH reports that zero tolerance laws are recommended by national leaders in health and have been shown to reduce the fatal crash rate for drivers under age 21 between 9 percent and 24 percent ([www.cdc.gov/motorvehiclesafety/alcoholbrief](http://www.cdc.gov/motorvehiclesafety/alcoholbrief)).

TRD observes that it is unlikely there will be an increase in revocations, disqualifications or Implied Consent hearings as an officer will still be required to establish probable cause for the arrest in order to request the chemical test. It is difficult to spot impairment when an alcohol concentration is below .02 in current law.

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. These additional costs are not capable of accurate forecasting.

### **ADMINISTRATIVE IMPLICATIONS**

AOC notes that there will be minimal administrative cost associated with this change, but that additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

This bill conflicts with SB 428 as both bills amend Section 66-5-68 NMSA 1978. This bill also conflicts with HB 120, HB 292 and HB 356 as all the bills amend provisions of the Implied Consent Act.

The bill relates to HB 30, HB 86, HB 131, HB 303, HB 355, HB 359, HB 404, SB 463, and SB 499.

CEM/bb