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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Rehm</u>	<b>LAST UPDATED</b> _____
	<b>ORIGINAL DATE</b> <u>3/8/2023</u>
<b>SHORT TITLE</b> <u>Streamline DWI Paperwork</u>	<b>BILL NUMBER</b> <u>House Memorial 74</u>
	<b>ANALYST</b> <u>Hanika-Ortiz</u>

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>LCS</b>	No fiscal impact	Minimal	No fiscal impact		Nonrecurring	LCS operating

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Responses Received From

Taxation and Revenue Department (TRD)

Department of Public Safety (DPS)

New Mexico Sentencing Commission (NMSC)

## SUMMARY

### Synopsis of House Memorial 74

House Memorial 74 (HM74) asks the Legislative Council Service (LCS) to convene a working group to review driving-while-intoxicated (DWI) arrest, booking and post-arrest protocols and develop and report recommendations for streamlining the processing of DWI paperwork.

HM74 resolves the following:

- In 2021, New Mexico had the seventh highest DWI severity score in the United States;
- In 2019, New Mexico had 129 alcohol-impaired driving fatalities, with 13 of those fatalities being for drivers under the age of 21;
- The average DWI arrest, booking, and post-arrest processing takes approximately four to six hours per instance;
- An officer can make only one or two DWI arrests per shift;
- DWI paperwork is used in both civil and criminal cases;
- DWI paperwork includes traffic citations, DWI citations, notices of revocation, criminal complaints, probable cause statements, booking sheets and, in some instances, documentation of medical clearance;
- DWI paperwork must be transmitted to multiple agencies, often replicating work; and

- Replication of paperwork results in lower enforcement rates.

## FISCAL IMPLICATIONS

No fiscal impact from the memorial unless/until the LCS convenes the working group.

Costs to convene this working group for LCS and the various entities identified in HM74, will depend upon how often the group meets and whether it uses video conferencing.

Agencies that responded to the request for analysis of HM74 did not identify any problems with honoring this commitment with existing staff and resources.

## SIGNIFICANT ISSUES

HM74 suggests that streamlining DWI paperwork could lead to higher enforcement rates.

The following are arrest numbers for DWI the last five fiscal years, courtesy of NMSC.

FY2018	9,354
FY2019	9,308
FY2020	7,647
FY2021	6,103
FY2022	5,935

The LCS would be asked to arrange for a non-compensated “third-party facilitator” to convene a working group by April 30, 2023 to review DWI arrest, booking, and post-arrest protocols and develop recommendations to streamline the processing of DWI paperwork. By restricting the choice of facilitator to only those that can volunteer, the best person for the job may not be available.

The working group would be composed of representatives from DPS, the Motor Vehicle Division of TRD, Administrative Office of the Courts, and local and tribal governments that process DWIs.

HM74 did not include the Public Defender Department (PDD). The working group might benefit from learning more from the DWI offender/detainee’s perspective which PDD could provide.

## PERFORMANCE IMPLICATIONS

The working group would be asked to report its findings and recommendations to the legislative interim Courts, Corrections and Justice Committee by October 1, 2023.

## OTHER SUBSTANTIVE ISSUES

Since the group is asked to review and make recommendations regarding “documentation of medical clearance” paperwork, it may also be helpful at times to involve the Department of Health.

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