

LFC Requester:	Noah Montano
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/29/2025 *Check all that apply:*
Bill Number: SB40 Original Correction
 Amendment Substitute

Sponsor: Antonio Maestas **Agency Name and Code:** Metro 244
Short Title: Interlock for Driving on Revoked License **Number:** AOC 218
Person Writing: Dana L. Cox
Phone: 505-841-9840 **Email:** metrdlc@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A
Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 40 proposes in **Section 1** to amend NMSA 1978, § 34-8A-6 on “Metropolitan Court; Rules; Appeal” to make the Metropolitan Court a court of record for criminal actions involving driving on a revoked license. In **Section 2**, the Bill proposes to amend NMSA 1978, § 66-5-39.1 on “Driving While License Revoked; Penalties” to require a person convicted of driving on a revoked license to obtain an ignition interlock device pursuant to the Ignition Interlock License Act and to obtain an ignition interlock license within ten days of conviction. **Section 2** of the Bill would also remove the requirement that the vehicle the person was driving be immobilized for thirty days and further would remove the requirement that the division not issue a new license for one year for any person convicted under Section 66-5-39.1. In **Section 3**, the Bill proposes to amend NMSA 1978, § 66-5-503 on “Ignition Interlock License Requirements” to provide that, “A person whose driving privilege or driver's license has not been revoked or denied may apply for an ignition interlock license from the division.” **Section 3** of the Bill further provides that a person whose driving privilege or driver’s license “will soon be revoked” may apply for an ignition interlock license by providing proof to the Motor Vehicle Division of installation of an ignition interlock device by a traffic safety bureau approved ignition interlock installer on any vehicle that the applicant drives. **Section 3** further amends NMSA 1978, § 66-5-503 to require that an ignition interlock license be valid for four or eight years, and to allow an ignition interlock device to be “removed by a traffic safety bureau-approved ignition interlock installer without a court order at the request of the applicant.” **Section 4** of the Bill proposes to amend NMSA 1978, § 66-8-102.3 on “Imposing a Fee; Interlock Device Fund Created” to increase the fee that the traffic safety bureau shall pay for the installation of an ignition interlock device from \$50 to up to \$100 for one vehicle per offender; to increase the fee that the bureau shall pay for the removal of a device from \$30 to up to \$60; and to increase the monthly verified usage fee for the device from \$30 to up to \$60. **Section 4** further proposes to amend NMSA 1978, § 66-8-102.3 to include the entry of an appearance by the public defender’s department on behalf of a person as further evidence of the person’s indigency.

FISCAL IMPLICATIONS

Any fiscal impact on the Metropolitan Court would be de minimis if a new category of record case is created, and a new corresponding case type is created by the Administrative Office of the Courts for use by the Metropolitan Court. Because if a new case type were created, the Metropolitan Court would be required to purchase roughly 1,000 court case files based on the number of cases filed with these charges in 2022-2024, which would be at a current cost of \$51.00 per box of 100 CR case files for a total of \$510.00, plus applicable gross receipts tax. See also Performance Implications below.

With the potential increase on appeals to the Court of Appeals by making criminal actions involving driving on a revoked license record cases in the Metropolitan Court, there will be an increase in the fiscal impact to the Court of Appeals and a corresponding decrease in the fiscal impact to the Second Judicial District Court. However, the amount of any such fiscal impact to either Court would be difficult to quantify, as it is impossible to predict the number of these

cases that may be appealed.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

See Performance Implications below.

PERFORMANCE IMPLICATIONS

Senate Bill 40 proposes in **Section 1** to amend NMSA 1978, § 34-8A-6 to make the Metropolitan Court a court of record for criminal actions involving driving on a revoked license. Currently, Metropolitan Court is only a court of record in criminal actions involving “driving while under the influence of intoxicating liquor or drugs” (DW) and in “domestic violence actions” (DV) and is on the record in its felony (FR) preliminary examinations cases. Record cases appealed from the Metropolitan Court are heard by the Court of Appeals; whereas, non-record cases are appealed to the Second Judicial District Court. *See* NMSA 1978, § 34-8A-6(D) and (E). In Calendar Year 2022, a total of 900 cases were filed where the defendant was charged with driving on a revoked license under NMSA 1978, § 66-5-39.1, and in Calendar Year 2023, a total of 867 cases were filed, and in Calendar Year 2024, a total of 889 cases were filed. Currently, in Metropolitan Court, cases where the defendant is charged with driving on a revoked license are opened as a non-record CR case type if that is the highest charge brought against the defendant. Because the Metropolitan Court’s procedures for handling record cases and its retention of those records, as prescribed by State Record and Archives in NMAC § 1-21-2.1 et seq., is different for record criminal actions as opposed to non-record criminal actions, if a new category of criminal cases are now to be record cases, the Metropolitan Court would need to request the creation of a new criminal case type like it currently has for its DW and DV record cases. In this way, the Court could delineate these cases both in the Odyssey electronic case management system and in its paper court case files and thereby ensure that they are handled and retained consistent with other record cases.

By making criminal actions involving driving on a revoked license record cases, if these cases are appealed, this will increase the number of appeals that would be heard by the Court of Appeals and would reduce the corresponding number of de novo appeals heard by the Second Judicial District Court.

ADMINISTRATIVE IMPLICATIONS

See also Performance Implications above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None