

LFC Requester:	ISMAEL TORRES
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original ___ Amendment ___
Correction ___ Substitute ___

Date 02/19/19

Bill No: SB 575

Sponsor: <u>SEDILLO-LOPEZ</u>	Agency Name and Code <u>AODA/264</u>
Short Title: <u>DWI TESTING REQUIREMENTS</u>	Number: _____
	Person Writing <u>ROSANNA C VAZQUEZ</u>
	Phone: <u>5056708484</u> Email <u>rosannacvazquez@gm</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY:

SB 575 proposes to amend NMSA SECTION 66-8-111 -- REFUSAL TO SUBMIT TO CHEMICAL TEST -- TESTING -- GROUNDS FOR REVOCATION OF LICENSE OR PRIVILEGE TO DRIVE.

1. Overall word “his” changed to “persons”
2. Pg. 2, line 6-12. In paragraph A, pg. 2, lines 6-12, when a defendant refuses to chemical testing a warrant is required in every instance. The current law requires a warrant in a situation when refusal is made and either of the following is apparent. (This language has been deleted.):
 - a. A felony is alleged to have been committed while defendant under the influence of alcohol; or
 - b. Death or great bodily harm under the influence; **and**
 - c. The test will provide material evidence in a felony prosecution.

FISCAL IMPLICATIONS:

SIGNIFICANT ISSUES:

The amendment falls in line with the 2016 Supreme Court ruling Birchfield vs. North Dakota.

AMENDMENT LANGUAGE - NA

PERFORMANCE IMPLICATIONS – NA

ADMINISTRATIVE IMPLICATIONS - NA

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP - NA

TECHNICAL ISSUES – NA

OTHER SUBSTANTIVE ISSUES - NA

ALTERNATIVES - NA

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL:

STATUS QUO

AMENDMENTS:

Not at this time.