

<b>LFC Requester:</b>	Chenier, Eric
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**AGENCY BILL ANALYSIS  
2014 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**      X   **Amendment**            
**Correction**           **Substitute**          

**Date** January 30, 2014

**Bill No:** HB196-305 Jan 30

**Sponsor:** Rep. William Rehm

**Reviewing** Attorney General's Office

**Short** Ignit. Interlock; penalty for

**Person Writing** Kevin A. Graham, AAG

**Title:** parent cause minor to interfere

**Phone:** 505-222-9012 **Email** kgraham@nmag.gov

**SECTION II: FISCAL IMPACT \*\*\*\*FOR LFC OFFICIAL PURPOSES\*\*\*\***  
**AGO STAFF SHOULD LEAVE SHADED AREAS BLANK**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

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

	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

### **SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Opinion Letter. This is a staff analysis in response to the agency's, committee's or legislator's request.

### **BILL SUMMARY**

#### Summary Synopsis:

The Bill amends the language of Section 66-5-504, dealing with penalties for individuals who violate state statutes regarding ignition interlock devices.

The Bill amends subsection (A) of Section 66-5-504 by correcting/updating the current statutory reference to "66-5-39" to correctly reference the applicable statute enacted in 2013 which is now "66-5-39.1".

The Bill amends subsection (B) of Section 66-5-504 by adding the words "Notwithstanding the provisions of Subsection C of this section" to the first line of subsection (B). This additional language is necessitated due to the Bill creating a new subsection (C) to the statute.

The Bill adds new subsection (C) to Section 66-5-504 which creates a specific new criminal offense and penalty: "A parent or legal guardian who is issued an ignition interlock license and who knowingly and deliberately causes the parent's or legal guardian's minor child to tamper or interfere with the proper and intended operation of an ignition interlock device shall be subject to the penalties for driving with a license that was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act as proved in Section 66-5-39.1, NMSA 1978."

This new offense/penalty as created by subsection (C) would therefore have the following penalty under current law:

1. The person shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars (\$300) and not more than one thousand dollars (\$1,000) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. NMSA 1978, § 66-5-39.1 (B) (2013).
2. The motor vehicle the person was driving shall be immobilized by an immobilization device for thirty days, unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing the motor vehicle. §66-5-39.1 (C).

**FISCAL IMPLICATIONS WITH ENACTING THIS BILL**

**SIGNIFICANT LEGAL ISSUES**

**PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL**

**ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS  
INTRODUCED THIS SESSION**

**TECHNICAL ISSUES OR DRAFTING ERROR**

**OTHER SUBSTANTIVE LEGAL ISSUES**

**ALTERNATIVES TO ENACTING THIS BILL**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS NEEDED TO IMPROVE THIS BILL**