

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2015 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	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>2/23/2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB 565</u>

Sponsor:	<u>Rep. Paul A. Pacheco</u>	Agency Code:	<u>Attorney General's Office</u>
Short Title:	<u>DWI With Revoked License Penalties</u>	Person Writing:	<u>James Torres, AAG</u>
		Phone:	<u>827-6064</u>
		Email	<u>jtorres@nmag.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	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

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

BILL SUMMARY

Synopsis:

HB 565 proposes Section 66-5-39.2, original legislation relating to penalties for driving under the influence of intoxicating liquor or drugs or a violation of the implied consent act ("DWI") while the privilege to drive was suspended or revoked. Under this bill, a person is guilty of a 4th degree felony if (1) the privilege to drive was revoked or suspended for DWI; and (2) the person is subsequently convicted of DWI and convicted of driving with a suspended (66-5-39) or revoked (66-5-39.1) license.

HB 565 amends and modifies Section 66-5-41 (permitting an unauthorized person to drive). First, this bill amends Subsection (A) to require that the offender "knows or should have known" that the person was not authorized to drive. Second, HB 565 adds Subsection (B), stipulating that a person may be charged as a party (66-8-120) to the crime of driving with a revoked license (66-5-39.1) if the offender knew or should have known that the person whom the offender authorized to drive has a license revoked for DWI and is subsequently arrested for DWI. That authorizing party may face penalties set forth under 66-5-39.1(B). *See infra*, "Significant Issues."

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Statutory Interpretation

Currently, Section 66-5-39 (driving while license suspended) contains no enhancement for a subsequent DWI violation while driving with a suspended license. Section 66-5-39.1(B) (driving while license revoked) stipulates that if the privilege to drive was revoked for DWI and the person is subsequently convicted under this section, a penalty of imprisonment for a minimum of 7 days and a minimum \$300 fine will be imposed. Proposed Section 1 of HB 565 captures the possibility of a person committing a DWI while that person's license was suspended or revoked for DWI. Under current legislation, that person would either face no enhancement under 66-5-39 or face the same enhancement under 66-5-39.1(B) as a person convicted pursuant to that statute for a non-DWI offense.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Addressed above

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS