

ALBUQUERQUE CRIMINAL LAWYER BLOG

PUBLISHED BY
COLLINS & COLLINS, P.C.
ATTORNEYS AT LAW

February 9, 2010

Tougher DWI/DUI Bill Stalls in New Mexico Senate

The Albuquerque Journal reported today that a bill toughening DWI/DUI penalties for first offenders died in the New Mexico Senate yesterday. The bill was considered a top priority for New Mexico Governor Bill Richardson.

The bill would have established mandatory jail time or community custody for first time DWI/DUI offenders. The bill would have required a minimum 3 day jail sentence or 30 day community custody for first time offenders. Community custody requires electronic monitoring (ankle bracelet) 24 hours a day for those in the program. Both jail time and community custody are very costly. These costs apparently derailed the bill.

Those in opposition to the bill pointed to the unfunded costs in the program. They also pointed to the strain the program would place on already overcrowded jails throughout New Mexico. Finally, at least one senator, Bernadette Sanchez of Albuquerque, addressed the problem of overreliance on penalties and too little emphasis on treatment.

There were 150 DWI/DUI fatalities in New Mexico in 2009. 70 percent of those were caused by first time offenders. Governor Richardson and others have argued that tougher penalties will act as a deterrent. Richardson first proposed the bill when a drunk driver crashed into a carload full of teens in the summer of 2009 killing 4 of the teenagers.

DWI/DUI is a very serious problem in New Mexico. 150 deaths is unacceptable. The real challenge is to address the problem in a manner that effectively reduces drinking and driving. The reality is that every DWI/DUI carries mandatory jail time. The DWI/DUI offender is arrested and jailed pending a first appearance. Often, the timing of the arrest over the weekend will carry 2 or more days in jail before the first hearing is set for release.

Mandatory jail time will likely have no greater deterrent value than the deterrents currently in place which include arrest, jail, courts costs, fines, counseling, probation, community service, loss of driving privileges and vehicle seizure among others. If this is not enough, the attorney fees can be financially crippling for some.

The penalties and costs of DWI/DUI are pretty staggering as the law currently stands. A new approach is needed beyond the customary call for stiffer jail time. What that approach would be remains to be seen.

Main Office:
400 Gold Ave. SW
Suite 500
Albuquerque, NM 87102
(505) 242-5958

<http://www.albuquerquecriminallawyerblog.com/>