

ALBUQUERQUE CRIMINAL LAWYER BLOG

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National Ignition Interlock Bill Introduced by New Mexico Senator Udall

New Mexico Senator Tom Udall has introduced legislation that would require all states to implement ignition interlock programs modeled after New Mexico DWI program. New Mexico was the first state to require ignition interlock devices for all DWI/DUI offenders.

By law in New Mexico, a driver's license is automatically revoked by the Motor Vehicle Division (MVD) for either driving at or above .08 breath alcohol level or for refusing the breath alcohol test. For first time offenders, the revocation period is up to one year. For those individuals who test at .08 or higher, the first time MVD revocation is for 6 months. For those that refuse the test, the revocation is for one year. For second and subsequent offenses, the revocation is for one year.

During the revocation period, drivers may obtain an interlock license. The interlock license allows the revoked driver to drive so long as the vehicle driven has an interlock license installed. An interlock device will not allow a vehicle to start until the driver has blown into the breath alcohol measurement device. Any detection of alcohol will disable the vehicle. Driving without the interlock is charged as driving on a revoked license which carries up to 1 year in jail.

In addition to the MVD license revocation, the Court will also impose a one year interlock requirement on those convicted of DWI. Often, the court ordered interlock period will extend well beyond the administrative period of revocation. The interlock device is ordered as a part of the probation ordered in all DWI/DUI convictions. Violation of this provision is considered a serious violation of probation which could result in revocation of probation and incarceration for the remainder of the sentence.

New Mexico's DWI laws are pretty stiff. Admittedly, the results have been a significant decrease in the levels of drinking and driving in the state. The Centers for Disease Control has determined that repeat offenses dropped by 73% where the device was in use. These results clearly indicate the success of the program.

On the other hand, New Mexico has taken DWI enforcement to the extreme. People are routinely arrested, particularly in Albuquerque, even when their breath alcohol scores are below .08, sometimes significantly below .08. In addition to arresting and charging drivers below the .08 legal limit, the New Mexico Courts will convict people when they have not even been driving as in the recent case where a veteran was charged with DWI in Albuquerque while sleeping in his vehicle.

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If Udall's bill passes, states could lose federal transportation funding for failure to adopt and enforce the act. Let's hope it does not become the race for federal funds that has led to the overzealous and completely irrational enforcement DWI laws that has occurred in New Mexico.

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