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### Survey of Support For DWI Legislation

New Mexico leads the nation in the use of ignition interlocks to reduce drunk driving. Our alcohol-involved crashes, injuries, and fatalities have all decreased 30 to 40% since we passed a law mandating interlocks for all convicted offenders. But still there are loopholes that allow DWI offenders to avoid effective sanctions. On the basis of 12 years of research (www.RothInterlock.org), I have identified the following loopholes and am proposing legislation to close them.

■ **Loophole # 1.** Convicted offenders are claiming that they do not have access to a vehicle or have decided not to drive. Research indicates that this group of convicted offenders is four times more likely to be re-arrested for DWI than interlocked offenders.

**Proposal # 1.** For those who claim “no car” or “not driving” mandate a fee equal to the cost of an interlock to be used for supervised probation or a home photo breathalyzer into which offenders would be required to blow an alcohol free breath sample twice a day as a condition of probation.

Support # 1? Yes \_\_\_ No \_\_\_ Comment \_\_\_\_\_

■ **Loophole # 2.** Many arrested offenders have another DWI arrest between their original arrest and conviction. Many others abscond and are not adjudicated at all.

**Proposal # 2.** Immobilize the vehicles of arrested offenders at a location of their choice until or unless they pay for the installation of an ignition interlock between arrest and adjudication.

Support # 2? Yes \_\_\_ No \_\_\_ Comment \_\_\_\_\_

■ **Loophole # 3.** DWI offenders whose licenses are revoked continue to drive without interlocks.

**Proposal # 3.** Make the vehicles of such persons subject to forfeiture as is currently done by ordinances in Albuquerque, Santa Fe, and Las Cruces.

Support # 3? Yes \_\_\_ No \_\_\_ Comment \_\_\_\_\_

■ **Loophole # 4** Drinkers pay less than 2% of the cost of alcohol abuse in our state. Most of the costs of alcohol abuse are presently paid by victims and from our state general fund.

**Proposal # 4.** Raise the alcohol excise tax by 10 cents a drink and make the tax uniform on all alcoholic beverages sold or bought in New Mexico.

Support # 4? Yes \_\_\_ No \_\_\_ Comment \_\_\_\_\_

■ **Loophole # 5** Many offenders are refusing to supply a breath sample when they are arrested for DWI. Presently NM officers can only request a warrant for a blood draw for felony DWI offenders.

**Proposal # 5.** Make it legal for a judge to issue a warrant for a blood draw at a hospital or clinic on receipt of a signed statement by a law enforcement officer that the officer had probable cause to believe that the arrested person was driving while impaired by drugs or alcohol.

Support # 5? Yes \_\_\_ No \_\_\_ Comment \_\_\_\_\_

Your Name: \_\_\_\_\_ Email Address \_\_\_\_\_

Please return completed form with your comments by FAX or email reply  
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