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W **h** **i** **l** **e**
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NewMexico 2003



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

**A MESSAGE FROM:
RACHEL O'CONNOR, DWI COORDINATOR
OFFICE OF THE GOVERNOR**



The problem of drunk driving is a challenge requiring the relentless commitment of my colleagues, federal and state transportation officials, law enforcement, community advocates and organizations, the media and the general public. DWI statistics show we have a tough job ahead. I'm confident that Governor Richardson's initiatives and our commitment will reduce death and injury due to DWI in the State of New Mexico.

As a leader for the nation, New Mexico has been selected by the National Highway Traffic Safety Administration to develop a comprehensive impaired driving plan that will serve as a model for other states. The Traffic Safety Bureau of the New Mexico Department of Transportation, law enforcement agencies, and partnering organizations have made progress in reducing alcohol related traffic fatalities and injuries.

New Mexico is taking a comprehensive approach to drive down the number of alcohol related fatalities and injuries. A full-time officer project is underway in five counties with the highest DWI crash and fatality rates. The number of Super Blitz periods held in one year increased from four to seven, thereby, increasing the visibility of law enforcement, and expanding DWI checkpoints and saturation patrols statewide. Increased media and public awareness campaigns promote law enforcement activities and educate the public about the severe consequences associated with DWI. The penalty for providing alcohol to a minor has been elevated to a fourth degree felony and went into effect July 2004. New Mexico has developed a Mobile Strike Unit to hold bars and restaurants accountable for sales to minors and intoxicated patrons. New Mexico has also become a leader in using technology to address recidivism, and currently has more Ignition Interlocks installed per capita than any other state in the country.

Our mission is clear and those involved in our safety system accept the opportunity to serve as a leader for the nation. The Governor's 2005 agenda includes a progressive legislative agenda and many other initiatives set forth in the Governor's DWI Multi-Agency Plan.

The University of New Mexico, Division of Government Research, produces this "Driving While Impaired" report for the New Mexico Department of Transportation. The report provides statistical information that contributes to the impaired driving plan and DWI initiatives conducted statewide.

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On the Cover:

The cover photo shows the Bernalillo County Sheriff's Office Traffic Unit Deputies (from the left: Deputies J. Kingsbury, C. Sevier, T. Lujan, R. Castillo, R. Azbill, P. Chavez, G. Garcia, E. LaCompte, and J. Parkins). These deputies are responsible for traffic enforcement, investigating traffic fatalities, and DWI enforcement.
Photo by Deputy R. Lind.

DWI in New Mexico

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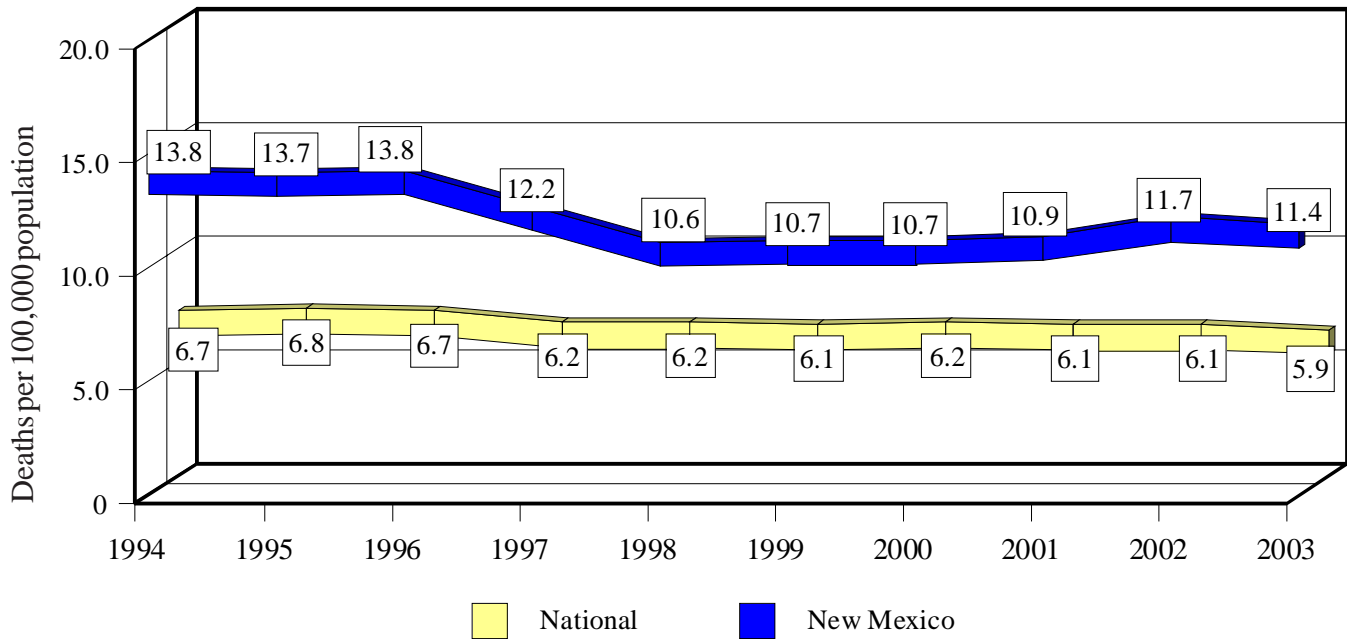
CONTENTS

Impact on New Mexico	2
Laws	4
Where	6
When	8
Who	10
BAC Tests	11
Case Results	12
Trends	13
Repeat Offenders	14
Index and Sources	16
Per Capita Costs of Crashes Map	Back Cover

The Traffic Safety Bureau of the New Mexico Department of Transportation (NMDOT) develops programs to address traffic issues in the state. The mission of the Bureau is to continuously reduce traffic-related fatalities, injuries and crashes. Program initiatives include education, enforcement, regulation, legislation, prevention, screening and treatment, and public information. The Bureau works in partnership with New Mexico law enforcement agencies statewide to enforce traffic safety laws.

Note: The 1999 crash file contains 15% fewer crashes than the 1998 file. This may be due to problems in implementing the new system after the old system failed, or to under-reporting. Care should be used when interpreting differences between 1999 and other years in this report.

Alcohol-involved Fatality Rates, 1994-2003



Source: Fatality Analysis Reporting System, the Census Bureau and Crash files

- ◆ In 2003 both New Mexico and National rates decreased.

Contributing Factors in Fatal Crashes, 2003

Contributing Factor	Count	Percent	Percent of Involvements
Alcohol involved	193	33.4	33.4
Excessive speed	188	32.5	32.5
Driver inattention	184	31.8	31.8
Other	110	19.0	19.0
Drove left of center	75	13.0	13.0
Other improper driving	73	12.6	12.6
Mechanical defects	25	4.3	4.3
Failure to yield	23	4.0	4.0
Disregard traffic control	17	2.9	2.9
Improper turn	17	2.9	2.9
Improper overtaking	10	1.7	1.7
Follow too close	5	0.9	0.9
Total	578		

Source: Crash files

- ◆ These are counts of all factors reported to have contributed to fatal crashes. These are *not* the same thing as fatal crash counts. A single crash often involves more than one vehicle, and each vehicle may be affected by more than one factor. The percents shown are the percents of vehicles in fatal crashes which were affected by each of the contributing factors. For these reasons the total here is higher than in other tables presenting fatal crash information, and the percentages sum to more than 100.

Victims of Alcohol-involved Crashes, 2003

County	People in Crashes			Impact (in dollars) ²		2003 Population ³
	Total	Sober ¹	Under 18	Total (000)	Per capita	
Bernalillo	2,728	1,174	682	219,002	377	581,442
Catron	7	0	2	1,523	446	3,415
Chaves	160	55	50	19,296	318	60,591
Cibola	145	34	28	26,128	988	26,453
Colfax	59	12	9	12,259	872	14,051
Curry	134	54	40	13,291	292	45,440
De Baca	1	0	0	448	214	2,091
Doña Ana	591	208	128	82,680	454	182,165
Eddy	192	62	46	24,590	478	51,470
Grant	125	38	35	17,960	602	29,818
Guadalupe	23	4	2	6,756	1,477	4,574
Harding	0	0	0	0	0	747
Hidalgo	5	2	0	1,443	276	5,234
Lea	166	60	37	21,086	380	55,504
Lincoln	105	39	14	14,263	702	20,322
Los Alamos	19	3	6	1,981	105	18,802
Luna	66	20	21	7,621	296	25,732
McKinley	624	243	138	89,423	1,232	72,555
Mora	24	7	2	7,551	1,448	5,216
Otero	146	40	21	22,502	361	62,371
Quay	16	2	1	5,313	553	9,605
Rio Arriba	238	70	43	39,323	965	40,731
Roosevelt	56	23	17	8,876	490	18,107
Sandoval	314	98	52	47,594	482	98,786
San Juan	655	228	126	82,247	673	122,272
San Miguel	111	23	20	22,658	764	29,670
Santa Fe	889	375	180	105,810	776	136,423
Sierra	25	0	4	7,564	576	13,125
Socorro	100	32	19	18,104	996	18,178
Taos	120	29	26	25,981	831	31,269
Torrance	32	8	4	7,564	450	16,802
Union	16	1	4	2,063	541	3,814
Valencia	268	105	69	42,435	626	67,839
Total	8,160	3,049	1,826	1,005,333	536	1,874,614

Source: Crash files

- 1 Sober people are drivers, passengers and pedestrians who were involved in a crash with a driver or pedestrian who had been drinking.
- 2 Impact is the cost of DWI related crashes in New Mexico based on Federal Highway Administration estimation formulae (*The Costs of Highway Crashes*, FHWA-RD-91-055, Federal Highway Administration, 1991). The figures are based on 1988 dollars, adjusted for inflation to 2003 dollars. **These are estimates, not actual dollar amounts.** Included are direct costs such as lost wages and medical expenses, and indirect "willingness to pay" estimates of lost quality of life.
- 3 Population estimates are for July 2003 and are from the Census Bureau.

DWI Penalties in New Mexico*

Offense	Administrative License Revocation
Implied Consent Violation (Driving with BAC over legal limit or refusal to take BAC test)	Age under 21 and BAC at least .02: 6 months for first offense Age 21 or older and BAC at least .08: 90 days for first offense CDL at least .04: 90 days for first offense Limited license for first offense after 30-day revocation §66-5-35B ¹ Refusal: 1 year (no limited license) Any subsequent offense: 1 year Ignition interlock license available ²

Note that this is **not** a criminal offense, and the resulting license revocation is an administrative, not a criminal penalty. Municipalities are prohibited from establishing *per se* BAC limits different from state limits (§66-8-102.2). Licenses remain revoked until offenders reinstate them. First offenders who did not refuse the BAC test may obtain limited licenses after a 30-day revocation.

Criminal Sanctions (Basic Sentence)					Aggravated ³
DWI Offense	Jail ⁴	Fines/Fees/Costs ⁵	License Revocation	Other	If convicted of ADWI
1st Misdemeanor §66-8-102E	Maximum: 90 days ⁴ Mandatory: 48 hours if offender fails to comply with sentence	Maximum: \$500 §66-8-102E License Fee: \$100 §66-5-33.1 Crime Lab Fee: \$65 §31-12-7A Community Fee: \$75 §31-12-7B DWI School: up to \$150 Alcohol Screening: \$100-\$200 Limited license: \$45 Interlock license fee: \$45 Interlock costs: \$960+/yr. Corrections fee: \$20	1 year (Unless DWI school is completed) §66-5-29A(2) Limited license available ¹ §66-5-35A Interlock license available ² §66-5-503	Mandatory: screening ⁶ DWI school §66-8-102E,K If ordered by court: 48 hours community service, treatment ⁶ §66-8-102E,K Interlock §66-8-102O Up to 1 yr probation	Mandatory: additional 48 hours jail §66-8-102D,E Interlock §66-8-102N
2nd Misdemeanor §66-8-102F	Mandatory: 96 hours Maximum: 364 days ⁴ Mandatory: 7 days if offender fails to comply with sentence	Maximum: \$1,000 §66-8-102F Mandatory: \$500 §66-8-102F(1) Fees and costs are the same as for first offense	1 year §66-5-29A(3) Interlock license available ² §66-5-503 No limited license §66-5-35B ¹	Mandatory: 48 hours community service, ignition interlock, screening ⁶ , treatment §66-8-102F(1),L,K,P If ordered by court: up to 5 years probation §66-8-102F	Mandatory: additional 96 hours jail, §66-8-102D, ignition interlock §66-8-102P
3rd Misdemeanor §66-8-102F	Mandatory: 30 days Maximum: 364 days ⁴ Mandatory: 60 days if offender fails to comply with sentence	Maximum: \$1,000 §66-8-102F Mandatory: \$750 §66-8-102F(1) Fees and costs are the same as for first offense	10 years if offender is convicted of DWI 3 times within any 10 year period. §65-5-5D Otherwise: 1 year. No limited license §66-5-35B ¹ Interlock license available ² §66-5-503	Mandatory: screening ⁶ treatment, ignition interlock §66-8-102L,K,P If ordered by court: probation, §66-8-102F In Albuquerque, Las Cruces, & Doña Ana & Torrance Counties vehicle forfeiture in civil action	Mandatory: additional 60 days jail §66-8-102D Ignition interlock §66-8-102P

* All section numbers (§...) refer to New Mexico Statutes Annotated, 1978

Criminal Sanctions (Basic Sentence) - continued				
DWI Offense	Jail ⁴	License Fines/Fees/Costs ⁵	Revocation	Other
4th or 5th 4th Degree Felony §66-8-102G	Mandatory: 6 mon (4th) 1 year for 5th §66-8-102G Maximum: 18 months (4th) ⁴ 2 years (5th) ⁴ §31-18-15G,H	Maximum: \$5,000 §31-18-15E(5) Fees and costs are the same as for first offense	Same as for third offense	Mandatory: treatment, screening ⁶ , ignition interlock §66-8-102K,M,P vehicle forfeiture in civil action as for 3rd
6th or subsequent 3rd Degree Felony §66-8-102L,J	Mandatory: 18mon (6th) 2 years for 7th+ §66-8-102L,J Maximum: 30 months (6th) ⁴ 3 years (7th+) ⁴ §66-8-102L,J	Maximum: \$5,000 §31-18-15E(5) Fees and costs are the same as for first offense	Same as for third offense	Mandatory: treatment, screening ⁶ , ignition interlock §66-8-102K,H,M,P vehicle forfeiture in civil action as for 3rd
Vehicular Homicide 3rd Degree Felony §66-8-101	Maximum: 6 years per offense ² §31-18-15A(4)	Maximum: \$5,000 §31-18-15E(4)	Depends on number of prior DWI offenses No Interlock license available	4 years extra jail time added for each prior DWI conviction in the past 10 years. §66-8-101D, including tribal convictions, §66-8-101E(2)
Driving While Revoked for DWI Misdemeanor §66-5-39	Mandatory: 7 days §66-5-39A Maximum: 364 days ⁴ §66-5-39A	Mandatory: \$300 §66-5-39A Maximum: \$1,000 §66-5-39A	1 year §66-5-39C	30 days immobilization of vehicle driven by offender. §66-5-39B vehicle forfeiture in civil action as for 3rd

Notes on DWI Convictions

- 1 **Limited license:** A limited license is restricted to driving to or from work or school or to attend court-ordered treatment and is available only to first offenders who took the breath or blood alcohol test.
 - 2 **Interlock license:** An ignition interlock license is available to anyone who has had a DWI except for those who have killed someone while driving impaired. The penalty for driving without an interlock is the same as driving while revoked. The interlock license requires drivers to install interlocks on all cars they drive. Application for either of these licenses are available at <http://ipl.unm.edu/traf/pubs/mvd10792.pdf> or from the the Motor Vehicle Division.
 - 3 Aggravated DWI is a conviction for DWI when the offender: (a) drove with a BAC (Blood Alcohol Concentration) of .16 or higher, (b) caused a person bodily injury while DWI, **or** (c) refused a BAC test when arrested.
 - 4 Mandatory jail time must be served consecutively.
 - 5 Fines and Fees do not include increased insurance costs, treatment, lost wages, towing and storage, court costs and attorney fees.
 - 6 The judge *shall* sentence the offender to alcohol screening; the court will approve screening programs; the court does not have to order the offender to pay for it (§66-8-102K).
 - ◆ A deferred sentence on a first offense *is considered* a first offense for the purposes of defining subsequent offenses (§66-8-102E).
- Source: Institute of Public Law, UNM School of Law. Laws are available at IPL's website (<http://ipl.unm.edu/traf>).

Alcohol-involved Crashes and DWI Convictions by County, 2003

County	Crashes ¹				People Killed	People Injured	DWI Conv.	Rates ²		2003 Licensed Drivers
	Alcohol Fatal	% of all Fatal	Alcohol Injury	% of all Injury				Severe ³ Alcohol Crashes	DWI Conv.	
Bernalillo	27	50	500	7	31	786	3,077	1.3	7.8	393,996
Catron	2	67	1	4	3	3	22	0.9	7.0	3,160
Chaves	2	50	30	7	2	55	199	0.8	4.8	41,433
Cibola	8	67	33	17	9	60	303	2.6	19.2	15,810
Colfax	3	30	14	9	3	24	61	1.6	5.8	10,502
Curry	2	33	21	6	3	30	243	0.8	8.4	28,996
De Baca	0	0	1	5	0	1	10	0.6	5.9	1,695
Doña Ana	13	50	131	9	16	212	1,118	1.2	9.7	115,827
Eddy	3	21	40	11	4	57	267	1.2	7.3	36,615
Grant	1	20	30	12	1	48	180	1.4	8.2	22,085
Guadalupe	1	25	10	14	1	16	47	3.7	15.6	3,011
Harding	0	0	0	0	0	0	2	0	3.2	626
Hidalgo	1	33	2	5	1	2	29	0.8	7.8	3,724
Lea	5	45	30	8	5	49	375	0.9	9.9	37,784
Lincoln	2	67	24	12	2	40	154	1.6	9.6	16,017
Los Alamos	0	0	5	6	0	6	34	0.3	2.1	15,846
Luna	1	10	15	9	1	22	119	0.9	6.8	17,578
McKinley	18	53	120	23	21	221	771	3.7	20.7	37,284
Mora	1	25	8	17	1	8	46	2.6	13.3	3,458
Otero	4	31	35	10	4	57	313	1.0	8.3	37,733
Quay	3	43	4	5	4	8	70	0.9	9.4	7,425
Rio Arriba	9	69	58	21	11	122	383	2.4	13.5	28,403
Roosevelt	1	50	15	14	1	21	116	1.4	10.1	11,495
Sandoval	10	63	66	12	12	103	525	1.1	7.4	71,265
San Juan	23	62	135	14	26	249	1,377	2.2	18.9	72,861
San Miguel	5	63	24	10	7	36	254	1.6	14.2	17,853
Santa Fe	11	69	224	13	12	343	912	2.4	9.3	98,081
Sierra	3	50	10	18	3	16	95	1.4	10.2	9,273
Socorro	7	64	18	18	8	33	104	2.1	8.5	12,185
Taos	3	60	36	16	3	50	182	1.7	7.9	23,064
Torrance	5	63	6	6	7	15	108	1.0	10.2	10,555
Union	1	25	3	8	1	6	6	1.3	2.0	3,051
Valencia	9	64	72	21	11	113	378	1.8	8.4	45,214
Other							720			
Total	184	50	1,721	10	214	2,812	12,600	1.5	10.0	1,253,905

Sources: Crash files and Driver History file

¹ The crash percentages shown are the percent of all crashes which involved alcohol. For example, 50 percent of all Bernalillo County fatal crashes involved alcohol, and resulted in 31 fatalities.

² Rates are per 1,000 licensed drivers.

³ Severe crashes are those involving death or injury.

◆ DWI convictions are those handed down in 2003. The citations that resulted in these convictions could have been issued prior to 2003. See the note on page 15 for a complete explanation. Convictions are counted by county of driver residence, not the county in which the citation was issued. Driver residence county was determined by ZIP code. The 720 convictions received by drivers with missing, invalid, or out-of-state ZIP codes are shown as “Other” and are included in the total.

