

Gallup Council OKs DWI 2nd, 3rd ruling

Written by By Bernie Dotson Sun Correspondent
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The Gallup City Council unanimously passed an ordinance at its Feb. 14 regular meeting that deals with subsequent driving while intoxicated offenses and the passing of such offenses to municipal court.

City Attorney George Kozeliski introduced the matter to council members which went over with little discussion.

In providing some background on the matter, Kozeliski noted that the city amended its DWI ordinance in 2014 to take jurisdiction over second and third DWI offenses that had been previously prosecuted in magistrate court.

“Recently, the municipal court has been informed that the misdemeanor compliance office that handles DWI probations for the city may or may not be (handling such cases) after June 30,” Kozeliski said. After July 1, the municipal court may not have access to probation services to follow convicted offenders, he told council members.

Kozeliski said if the city reverts second and third DWI’s to magistrate court, the court can use the present misdemeanor compliance office, if it is funded or have the option of using the state adult probation office to track DWI offenders, if the office is not funded.

Kozeliski noted that the city’s budget benefits in the scenario. He said for the first six months of the fiscal year the city paid 458,470 in legal fees and probation costs for DWI prosecutions. In the same six month period, prior to taking on second and third DWIs, the city cost for DWI

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prosecutions and defense was \$27,910.

Kozeliski reiterated that the ordinance change means sending second and third DWI prosecutions back to magistrate court. Moving the second and third time DWI offenders back to magistrate court comes with an anticipated \$60,000 a year in court costs, Kozeliski told council members.

“This does represent a savings amount,” Councilor Linda Garcia said. “I agree with it.”

By Bernie Dotson

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