

underscored material = new
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HOUSE BILL 57

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO TRAFFIC OFFENSES; PROVIDING FOR TESTIMONY BY
INTERACTIVE VIDEO; PROVIDING FOR IMPLIED CONSENT TO APPEARANCE
BY VIDEO BY A PERSON WHO PERFORMS OR ANALYZES CHEMICAL TESTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Implied Consent Act is
enacted to read:

"[NEW MATERIAL] PROCEDURE--VIDEO APPEARANCE.--If a party
subpoenas a person who performs or analyzes chemical testing
pursuant to the Implied Consent Act, including an analyst or a
toxicologist, to testify at a court proceeding, the person may
appear by interactive video. Through the interactive video
appearance, there shall be a full and meaningful opportunity
for the person to be questioned and cross-examined; the person
shall be clearly visible and audible to the judge, the jury,

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1 all parties and counsel; and the person shall be able to
2 clearly see and hear the proceeding with or without
3 accommodation."

4 SECTION 2. Section 66-8-107 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 515, as amended) is amended to read:

6 "66-8-107. IMPLIED CONSENT TO SUBMIT TO CHEMICAL TEST--
7 COURT APPEARANCE BY VIDEO.--

8 A. ~~[Any]~~ A person who operates a motor vehicle
9 within this state shall be deemed to have given consent,
10 subject to the provisions of the Implied Consent Act, to
11 chemical tests of ~~[his]~~ that person's breath or blood or both,
12 approved by the scientific laboratory division of the
13 department of health pursuant to the provisions of Section
14 24-1-22 NMSA 1978 as determined by a law enforcement officer,
15 or for the purpose of determining the drug or alcohol content
16 of ~~[his]~~ the person's blood if the person is arrested for any
17 offense arising out of the acts alleged to have been committed
18 while the person was driving a motor vehicle while under the
19 influence of an intoxicating liquor or drug.

20 B. A test of blood or breath or both, approved by
21 the scientific laboratory division of the department of health
22 pursuant to the provisions of Section 24-1-22 NMSA 1978, shall
23 be administered at the direction of a law enforcement officer
24 having reasonable grounds to believe the person to have been
25 driving a motor vehicle within this state while under the

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1 influence of an intoxicating liquor or drug.

2 C. If a person who performed a chemical test or a
3 toxicologist from the laboratory where the test was performed
4 who will testify as an expert on the results of the chemical
5 testing is subpoenaed to testify at a court proceeding about
6 chemical testing performed pursuant to this section, the
7 defendant shall be deemed to have given consent to the person's
8 appearance by interactive video."

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