

HOUSE BILL 162

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

## INTRODUCED BY

Art De La Cruz and Cynthia Borrego and Heather Berghmans  
and Meredith A. Dixon

AN ACT

RELATING TO PUBLIC SAFETY; INCREASING THE PENALTY FOR HOMICIDE BY VEHICLE WHILE COMMITTING RECKLESS DRIVING; CREATING THE CRIME OF NEGLIGENT HOMICIDE BY VEHICLE; PROVIDING A PENALTY; MAKING AN APPROPRIATION TO PROVIDE FOR A STATEWIDE PUBLIC EDUCATION CAMPAIGN.

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

SECTION 1. Section 66-8-101 NMSA 1978 (being Laws 1978, Chapter 35, Section 509, as amended) is amended to read:

"66-8-101. HOMICIDE BY VEHICLE--GREAT BODILY HARM BY  
VEHICLE--NEGLIGENCE HOMICIDE BY VEHICLE.--

A. Homicide by vehicle is the killing of a human being in the unlawful operation of a motor vehicle.

B. Great bodily harm by vehicle is the injuring of a human being, to the extent defined in Section 30-1-12 NMSA

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1978, in the unlawful operation of a motor vehicle.

2                   C. A person who commits homicide by vehicle while  
3 under the influence of intoxicating liquor or while under the  
4 influence of any drug is guilty of a second degree felony and  
5 shall be sentenced pursuant to the provisions of Section  
6 31-18-15 NMSA 1978.

7                   D. A person who commits homicide by vehicle while  
8 violating Section 66-8-113 NMSA 1978 is guilty of a [third]  
9 second degree felony and shall be sentenced pursuant to the  
10 provisions of Section 31-18-15 NMSA 1978, provided that  
11 violation of speeding laws as set forth in the Motor Vehicle  
12 Code shall not per se be a basis for violation of Section  
13 66-8-113 NMSA 1978.

14                  E. A person who commits great bodily harm by  
15 vehicle while under the influence of intoxicating liquor, while  
16 under the influence of any drug or while violating Section  
17 66-8-113 NMSA 1978 is guilty of a third degree felony and shall  
18 be sentenced pursuant to the provisions of Section 31-18-15  
19 NMSA 1978, provided that violation of speeding laws as set  
20 forth in the Motor Vehicle Code shall not per se be a basis for  
21 violation of Section 66-8-113 NMSA 1978.

22                  F. A person who commits homicide by vehicle or  
23 great bodily harm by vehicle while under the influence of  
24 intoxicating liquor or while under the influence of any drug,  
25 as provided in Subsection C or E of this section, and who has

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incurred a prior DWI conviction within ten years of the occurrence for which the person is being sentenced under this section shall have the person's basic sentence increased by four years for each prior DWI conviction.

G. For the purposes of this section, "prior DWI conviction" means:

(1) a prior conviction under Section 66-8-102  
NMSA 1978; or

(2) a prior conviction in New Mexico or any other jurisdiction, territory or possession of the United States, including a tribal jurisdiction, when the criminal act is driving under the influence of alcohol or drugs.

H. A person who willfully operates a motor vehicle in violation of Subsection C of Section 30-22-1 NMSA 1978 and directly or indirectly causes the death of or great bodily harm to a human being is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

I. Negligent homicide by vehicle is the killing of a human being by a motor vehicle while violating Section 66-8-114 NMSA 1978. A person who commits negligent homicide by vehicle is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."

**SECTION 2. APPROPRIATION.--**Two hundred fifty thousand  
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dollars (\$250,000) is appropriated from the general fund to the department of transportation for expenditure in fiscal year 2027 for a statewide education campaign regarding careless driving and reckless driving. Any unexpended balance remaining at the end of fiscal year 2027 shall revert to the general fund.

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