

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--NEGLIGENT 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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1 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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1 incurred a prior DWI conviction within ten years of the
2 occurrence for which the person is being sentenced under this
3 section shall have the person's basic sentence increased by
4 four years for each prior DWI conviction.

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

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

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

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

19 I. Negligent homicide by vehicle is the killing of
20 a human being by a motor vehicle while violating Section
21 66-8-114 NMSA 1978. A person who commits negligent homicide by
22 vehicle is guilty of a fourth degree felony and shall be
23 sentenced pursuant to the provisions of Section 31-18-15 NMSA
24 1978."

25 SECTION 2. APPROPRIATION.--Two hundred fifty thousand
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1 dollars (\$250,000) is appropriated from the general fund to the
2 department of transportation for expenditure in fiscal year
3 2027 for a statewide education campaign regarding careless
4 driving and reckless driving. Any unexpended balance remaining
5 at the end of fiscal year 2027 shall revert to the general
6 fund.

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