

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 237

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO MOTOR VEHICLES; AUTHORIZING INTERGOVERNMENTAL
AGREEMENTS FOR EXCHANGE OF MOTOR VEHICLE OFFENSE INFORMATION
BETWEEN THE NAVAJO NATION AND THE STATE.

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

Section 1. Section 66-1-4.6 NMSA 1978 (being Laws 1990,
Chapter 120, Section 7, as amended) is amended to read:

"66-1-4.6. DEFINITIONS.--As used in the Motor Vehicle
Code:

A. "farm tractor" means every motor vehicle
designed and used primarily as a farm implement for drawing
plows, mowing machines and other implements of husbandry;

B. "financial responsibility" means the ability to
respond in damages for liability resulting from traffic
accidents arising out of the ownership, maintenance or use of a

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1 motor vehicle of a type subject to registration under the laws
2 of New Mexico, in amounts not less than specified in the
3 Mandatory Financial Responsibility Act or having in effect a
4 motor vehicle insurance policy. "Financial responsibility"
5 includes a motor vehicle insurance policy, a surety bond or
6 evidence of a sufficient cash deposit with the state treasurer;

7 C. "first offender" means a person who for the
8 first time under state or federal law or a municipal ordinance
9 or a Navajo Nation law has been adjudicated guilty of the
10 charge of driving a motor vehicle while under the influence of
11 intoxicating liquor or any other drug that renders the person
12 incapable of safely driving a motor vehicle, regardless of
13 whether the person's sentence was suspended or deferred;

14 D. "flammable liquid" means any liquid that has a
15 flash point of seventy degrees fahrenheit or less, as
16 determined by a tagliabue or equivalent closed-cup test device;

17 E. "foreign jurisdiction" means any jurisdiction
18 other than a state of the United States or the District of
19 Columbia;

20 F. "foreign vehicle" means every vehicle of a type
21 required to be registered under the provisions of the Motor
22 Vehicle Code brought into this state from another state,
23 territory or country; and

24 G. "freight trailer" means any trailer, semitrailer
25 or pole trailer drawn by a truck tractor or road tractor, and

1 any trailer, semitrailer or pole trailer drawn by a truck that
2 has a gross vehicle weight of more than twenty-six thousand
3 pounds, but "freight trailer" does not include manufactured
4 homes, trailers of less than one-ton carrying capacity used to
5 transport animals or fertilizer trailers of less than three
6 thousand five hundred pounds empty weight. "

7 Section 2. Section 66-1-4.16 NMSA 1978 (being Laws 1990,
8 Chapter 120, Section 17, as amended) is amended to read:

9 "66-1-4.16. DEFINITIONS. --As used in the Motor Vehicle
10 Code:

11 A. "safety glazing materials" means glazing
12 materials so constructed, treated or combined with other
13 materials as to reduce substantially, in comparison with
14 ordinary sheet glass or plate glass, the likelihood of injury
15 to persons by objects from exterior sources or by these safety
16 glazing materials when they are cracked and broken;

17 B. "safety zone" means the area or space officially
18 set apart within a highway for the exclusive use of pedestrians
19 and which is protected or is so marked or indicated by adequate
20 signs as to be plainly visible at all times while set apart as
21 a safety zone;

22 C. "school bus" means any motor vehicle operating
23 under the authority of the state board of education or private
24 school or parochial school interests that is used to transport
25 children, students or teachers to and from schools or to and

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1 from any school activity, but not including any vehicle:

2 (1) operated by a common carrier, subject to
3 and meeting all requirements of the [~~state corporation~~] public
4 regulation commission but not used exclusively for the
5 transportation of pupils;

6 (2) operated solely by a government-owned
7 transit authority, if the transit authority meets all safety
8 requirements of the [~~state corporation~~] public regulation
9 commission but is not used exclusively for the transportation
10 of pupils; or

11 (3) operated as a per capita feeder as defined
12 in Section 22-16-6 NMSA 1978;

13 D. "seal" means the official seal of the taxation
14 and revenue department as designated by the secretary;

15 E. "secretary" means the secretary of taxation and
16 revenue, and, except for the purposes of Sections 66-2-3
17 [~~66-2-3.1~~] and 66-2-12 NMSA 1978, also includes the deputy
18 secretary and any division director delegated by the secretary;

19 F. "semitrailer" means any vehicle without motive
20 power, other than a pole trailer, designed for carrying persons
21 or property and for being drawn by a motor vehicle and so
22 constructed that some significant part of its weight and that
23 of its load rests upon or is carried by another vehicle;

24 G. "sidewalk" means that portion of street between
25 the curb lines, or the lateral lines of a roadway, and the

1 adjacent property lines, intended for the use of pedestrians;

2 H. "slow-moving vehicle" means any vehicle that is
3 ordinarily moved, operated or driven at a speed less than
4 twenty-five miles per hour;

5 I. "solid tire" means every tire of rubber or other
6 resilient material that does not depend upon compressed air for
7 the support of the load;

8 J. "special mobile equipment" means every vehicle
9 not designed or used primarily for the transportation of
10 persons or property and incidentally operated or moved over the
11 highways, including but not limited to farm tractors, road
12 construction or maintenance machinery, ditch-digging apparatus,
13 well-boring apparatus and concrete mixers;

14 K. "specially-constructed vehicle" means every
15 vehicle of a type required to be registered under the Motor
16 Vehicle Code not originally constructed under a distinctive
17 name, make, model or type by a generally recognized
18 manufacturer of vehicles and not materially altered from its
19 original construction;

20 L. "state" means any state, territory or possession
21 of the United States, the District of Columbia or any province
22 of the Dominion of Canada;

23 M "state highway" means any public highway that
24 has been designated as a state highway by the legislature, the
25 state ~~[highway]~~ transportation ~~commi~~ssion or the secretary of

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1 highway and transportation;

2 N. "stop", when required, means complete cessation
3 from movement;

4 O. "stop, stopping or standing", when prohibited,
5 means any stopping or standing of a vehicle, whether occupied
6 or not, except when necessary to avoid conflict with other
7 traffic or in compliance with the directions of a police
8 officer or traffic-control sign or signal;

9 P. "street" or "highway" means every way or place
10 generally open to the use of the public as a matter of right
11 for the purpose of vehicular travel, even though it may be
12 temporarily closed or restricted for the purpose of
13 construction, maintenance, repair or reconstruction;

14 Q. "subsequent offender" means a person who was
15 previously a first offender and who again, under state law,
16 federal law or a municipal ordinance or a Navajo Nation law,
17 has been adjudicated guilty of the charge of driving a motor
18 vehicle while under the influence of intoxicating liquor or any
19 drug which rendered him incapable of safely driving a motor
20 vehicle, regardless of whether the person's sentence was
21 suspended or deferred; and

22 R. "suspension" means that a person's driver's
23 license and privilege to drive a motor vehicle on the public
24 highways are temporarily withdrawn."

25 Section 3. A new section of the Motor Vehicle Code,

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1 Section 66-5-1.2 NMSA 1978, is enacted to read:

2 "66-5-1.2. [NEW MATERIAL] DEFINITION--TRIBE.--As used in
3 Sections 66-5-25, 66-5-26, 66-5-30 and 66-8-102 NMSA 1978,
4 "tribe" means an Indian nation, tribe or pueblo that is located
5 wholly or partially in New Mexico and that has executed an
6 intergovernmental agreement with the state pursuant to Section
7 66-5-27.1 NMSA 1978. "

8 Section 4. Section 66-5-23 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 245, as amended) is amended to read:

10 "66-5-23. RECORDS TO BE KEPT BY THE DIVISION.--

11 A. The division shall file every application for a
12 driver's license or a commercial driver's license pursuant to
13 the provisions of the New Mexico Commercial Driver's License
14 Act received by it and shall maintain suitable indexes
15 containing:

16 (1) all applications denied and, on each, note
17 the reasons for denial;

18 (2) all applications granted;

19 (3) the name of every licensee whose license
20 has been suspended or revoked by the division and, after each,
21 note the reasons for the action; and

22 (4) the name of every licensee who has
23 violated his written promise to appear in court.

24 B. The division shall also file all abstracts of
25 court records of conviction or reports that it receives from

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1 the trial courts of this state [~~received by it~~] or from a
2 tribal court, which show either that a driver is a first
3 offender or a subsequent offender and whether that offender was
4 represented by counsel or waived the right to counsel,
5 [~~received by it under the laws of this state~~] with attention to
6 Article III of the Driver License Compact, and in connection
7 therewith maintain convenient records or make suitable
8 notations in order that the individual record of each licensee
9 showing the convictions of the licensee in which he has been
10 involved shall be readily ascertainable and available for the
11 consideration of the division upon any application for renewal
12 of license and at other suitable times. "

13 Section 5. Section 66-5-25 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 247, as amended) is amended to read:

15 "66-5-25. SUSPENDING PRIVILEGES OF NONRESIDENTS--
16 REPORTING CONVICTIONS-- FAILURES TO APPEAR-- FAILURES TO PAY. --

17 A. The privilege of driving a motor vehicle on the
18 highways of this state given to a nonresident shall be subject
19 to suspension or revocation by the division in like manner and
20 for like cause as a driver's license may be suspended or
21 revoked.

22 B. The division is further authorized, upon
23 receiving a record of the conviction in this state of a
24 nonresident driver of a motor vehicle of any offense under the
25 motor vehicle laws of this state, or of notice of failure to

1 appear or upon determination by the division of failure to pay
 2 a penalty assessment, to forward the record to the motor
 3 vehicle administrator in the state wherein the person so
 4 convicted is a resident.

5 C. Upon a request by a tribe, the division is
 6 authorized to forward to a tribal court or other authority, as
 7 specified in an applicable intergovernmental agreement, the
 8 record of the conviction in this state of a resident driver of
 9 a motor vehicle, who is subject to the jurisdiction of the
 10 tribe, of any offense under the Motor Vehicle Code or of notice
 11 of failure to appear or upon determination by the division of a
 12 failure to pay a penalty assessment."

13 Section 6. Section 66-5-26 NMSA 1978 (being Laws 1978,
 14 Chapter 35, Section 248, as amended) is amended to read:

15 "66-5-26. SUSPENDING RESIDENT'S LICENSE--CONVICTION
 16 FAILURE TO APPEAR, FAILURE TO PAY IN ANOTHER STATE OR TRIBAL
 17 JURISDICTION. --

18 A. The division is authorized to suspend or revoke
 19 the license of [any] a resident of this state or the privilege
 20 of a nonresident to drive a motor vehicle in this state upon
 21 receiving notice of the conviction of such person in another
 22 state or by a tribe of an offense [~~therein which~~] that if
 23 committed [~~in~~] within the jurisdiction of this state, would be
 24 grounds for the suspension or revocation of the license of a
 25 driver.

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1 B. In addition, the division is authorized to
2 suspend the license of [~~any~~] a resident of this state, or the
3 privilege of a nonresident to drive a motor vehicle in this
4 state, upon receiving notice of failure to appear or pay a
5 penalty assessment imposed by a tribe or imposed in another
6 state [~~which~~] that is a signatory of the Nonresident Violator
7 Compact with New Mexico. "

8 Section 7. A new section of the Motor Vehicle Code,
9 Section 66-5-27.1 NMSA 1978, is enacted to read:

10 "66-5-27.1. [NEW MATERIAL] RECOGNITION OF CONVICTIONS FOR
11 MOTOR VEHICLE OFFENSES COMMITTED ON THE NAVAJO NATION--
12 INTERGOVERNMENTAL AGREEMENTS--INFORMATION SHARING WITH THE
13 NAVAJO NATION TRIBAL COURT. --

14 A. The department is authorized to enter into an
15 intergovernmental agreement with the appropriate governmental
16 entity of the Navajo Nation to permit the exchange of
17 information between the Navajo Nation tribal court and the
18 division regarding a person who is adjudicated for a motor
19 vehicle offense that occurred within the jurisdiction of the
20 Navajo Nation tribal court.

21 B. The division is authorized to suspend or revoke
22 the driver's license or driving privilege of a person who has
23 been convicted of a motor vehicle offense by the Navajo Nation
24 tribal court; provided that:

- 25 (1) the department has entered into an

1 intergovernmental agreement with the governing body of the
2 Navajo Nation that permits the exchange of information on motor
3 vehicle offense convictions between the Navajo Nation tribal
4 court and the division; and

5 (2) the division has received notice from the
6 Navajo Nation tribal court that the driver has been convicted
7 of a motor vehicle offense, which if committed within the
8 jurisdiction of the state would be grounds for suspension or
9 revocation of the driver's license or driving privilege of the
10 offender. "

11 Section 8. Section 66-5-30 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 252, as amended) is amended to read:

13 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE
14 LICENSE. --

15 A. The division is authorized to suspend the
16 instruction permit, driver's license or provisional license of
17 a driver without preliminary hearing upon a showing by its
18 records or other sufficient evidence, including information
19 provided to the state pursuant to an intergovernmental
20 agreement authorized by Section 66-5-27.1 NMSA 1978, that the
21 licensee:

22 (1) has been convicted of an offense for which
23 mandatory revocation of license is required upon conviction;

24 (2) has been convicted as a driver in ~~[any]~~ an
25 accident resulting in the death or personal injury of another

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1 or serious property damage;

2 (3) has been convicted with such frequency of
3 offenses against traffic laws or ~~[regulations]~~ rules governing
4 motor vehicles as to indicate a disrespect for traffic laws and
5 a disregard for the safety of other persons on the highways;

6 (4) is an habitually reckless or negligent
7 driver of a motor vehicle;

8 (5) is incompetent to drive a motor vehicle;

9 (6) has permitted an unlawful or fraudulent
10 use of the license;

11 (7) has been convicted of an offense in
12 another state ~~[which]~~ or tribal jurisdiction that if committed
13 ~~[in]~~ within this ~~[state]~~ state's jurisdiction would be grounds
14 for suspension or revocation of the license;

15 (8) has violated provisions stipulated by a
16 district court in limitation of certain driving privileges;

17 (9) has failed to fulfill a signed promise to
18 appear or notice to appear in court as evidenced by notice from
19 a state court or tribal court, whenever appearance is required
20 by law or by the court as a consequence of ~~[any]~~ a charge or
21 conviction under the Motor Vehicle Code or pursuant to the laws
22 of the tribe;

23 (10) has failed to pay a penalty assessment
24 within thirty days of the date of issuance by the state or a
25 tribe; or

1 (11) has accumulated seven points, but less
 2 than eleven points, and when the division has received a
 3 recommendation from a municipal or magistrate judge that the
 4 license be suspended for a period not to exceed three months.

5 B. Upon suspending the license of ~~[any]~~ a person as
 6 authorized in this section, the division shall immediately
 7 notify the licensee in writing and upon his request shall
 8 afford him an opportunity for a hearing as early as practicable
 9 within not to exceed twenty days, not counting Saturdays,
 10 Sundays and legal holidays, after receipt of the request in the
 11 county wherein the licensee resides unless the division and the
 12 licensee agree that the hearing may be held in some other
 13 county; provided that the hearing request is received within
 14 twenty days from the date that the suspension was deposited in
 15 the United States mail. The director may, in his discretion,
 16 extend the twenty-day period. Upon the hearing, the director
 17 or his duly authorized agent may administer oaths and may issue
 18 subpoenas for the attendance of witnesses and the production of
 19 relevant books and papers and may require a reexamination of
 20 the licensee. Upon the hearing, the division shall either
 21 rescind its order of suspension or, good cause appearing
 22 therefor, may continue, modify or extend the suspension of the
 23 license or revoke the license."

24 Section 9. Section 66-8-102 NMSA 1978 (being Laws 1953,
 25 Chapter 139, Section 54, as amended) is amended to read:

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1 "66-8-102. PERSONS UNDER THE INFLUENCE OF INTOXICATING
2 LIQUOR OR DRUGS--AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE
3 OF INTOXICATING LIQUOR OR DRUGS--PENALTY.--

4 A. It is unlawful for a person who is under the
5 influence of intoxicating liquor to drive a vehicle within this
6 state.

7 B. It is unlawful for a person who is under the
8 influence of any drug to a degree that renders him incapable of
9 safely driving a vehicle to drive a vehicle within this state.

10 C. It is unlawful for a person who has an alcohol
11 concentration of eight one hundredths or more in his blood or
12 breath to drive a vehicle within this state.

13 D. Aggravated driving while under the influence of
14 intoxicating liquor or drugs consists of a person who:

15 (1) has an alcohol concentration of sixteen
16 one hundredths or more in his blood or breath while driving a
17 vehicle within this state;

18 (2) has caused bodily injury to a human being
19 as a result of the unlawful operation of a motor vehicle while
20 driving under the influence of intoxicating liquor or drugs; or

21 (3) refused to submit to chemical testing, as
22 provided for in the Implied Consent Act, and in the judgment of
23 the court, based upon evidence of intoxication presented to the
24 court, was under the influence of intoxicating liquor or drugs.

25 E. [Every] A person under first conviction pursuant

1 to this section shall be punished, notwithstanding the
2 provisions of Section 31-18-13 NMSA 1978, by imprisonment for
3 not more than ninety days or by a fine of not more than five
4 hundred dollars (\$500), or both; provided that if the sentence
5 is suspended in whole or in part or deferred, the period of
6 probation may extend beyond ninety days but shall not exceed
7 one year. Upon a first conviction pursuant to this section, an
8 offender may be sentenced to not less than forty-eight hours of
9 community service or a fine of three hundred dollars (\$300).
10 The offender shall be ordered by the court to participate in
11 and complete a screening program described in Subsection H of
12 this section and to attend a driver rehabilitation program for
13 alcohol or drugs, also known as a "DWI school", approved by the
14 bureau and also may be required to participate in other
15 rehabilitative services as the court shall determine to be
16 necessary. In addition to those penalties, when an offender
17 commits aggravated driving while under the influence of
18 intoxicating liquor or drugs, the offender shall be sentenced
19 to not less than forty-eight consecutive hours in jail. If an
20 offender fails to complete, within a time specified by the
21 court, any community service, screening program, treatment
22 program or DWI school ordered by the court, the offender shall
23 be sentenced to not less than an additional forty-eight
24 consecutive hours in jail. Any jail sentence imposed pursuant
25 to this subsection for failure to complete, within a time

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1 specified by the court, any community service, screening
2 program, treatment program or DWI school ordered by the court
3 or for aggravated driving while under the influence of
4 intoxicating liquor or drugs shall not be suspended, deferred
5 or taken under advisement. On a first conviction pursuant to
6 this section, any time spent in jail for the offense prior to
7 the conviction for that offense shall be credited to any term
8 of imprisonment fixed by the court. A deferred sentence
9 pursuant to this subsection shall be considered a first
10 conviction for the purpose of determining subsequent
11 convictions.

12 F. A second or third conviction pursuant to this
13 section shall be punished, notwithstanding the provisions of
14 Section 31-18-13 NMSA 1978, by imprisonment for not more than
15 three hundred sixty-four days or by a fine of not more than one
16 thousand dollars (\$1,000), or both; provided that if the
17 sentence is suspended in whole or in part, the period of
18 probation may extend beyond one year but shall not exceed five
19 years. Notwithstanding any provision of law to the contrary
20 for suspension or deferment of execution of a sentence:

21 (1) upon a second conviction, [~~each~~] an
22 offender shall be sentenced to a jail term of not less than
23 seventy-two consecutive hours, forty-eight hours of community
24 service and a fine of five hundred dollars (\$500). In addition
25 to those penalties, when an offender commits aggravated driving

1 while under the influence of intoxicating liquor or drugs, the
2 offender shall be sentenced to a jail term of not less than
3 ninety-six consecutive hours. If an offender fails to
4 complete, within a time specified by the court, any community
5 service, screening program or treatment program ordered by the
6 court, the offender shall be sentenced to not less than an
7 additional seven consecutive days in jail. A penalty imposed
8 pursuant to this paragraph shall not be suspended or deferred
9 or taken under advisement; and

10 (2) upon a third conviction, an offender shall
11 be sentenced to a jail term of not less than thirty consecutive
12 days and a fine of seven hundred fifty dollars (\$750). In
13 addition to those penalties, when an offender commits
14 aggravated driving while under the influence of intoxicating
15 liquor or drugs, the offender shall be sentenced to a jail term
16 of not less than sixty consecutive days. If an offender fails
17 to complete, within a time specified by the court, any
18 screening program or treatment program ordered by the court,
19 the offender shall be sentenced to not less than an additional
20 sixty consecutive days in jail. A penalty imposed pursuant to
21 this paragraph shall not be suspended or deferred or taken
22 under advisement.

23 G. Upon a fourth or subsequent conviction pursuant
24 to this section, an offender is guilty of a fourth degree
25 felony, as provided in Section 31-18-15 NMSA 1978, and shall be

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1 sentenced to a jail term of not less than six months, which
2 shall not be suspended or deferred or taken under advisement.

3 H. Upon any conviction pursuant to this section, an
4 offender shall be required to participate in and complete,
5 within a time specified by the court, an alcohol or drug abuse
6 screening program and, if necessary, a treatment program
7 approved by the court. The requirement imposed pursuant to
8 this subsection shall not be suspended, deferred or taken under
9 advisement.

10 I. Upon a first conviction for aggravated driving
11 while under the influence of intoxicating liquor or drugs
12 pursuant to the provisions of Subsection D of this section, as
13 a condition of probation, an offender shall be required to have
14 an ignition interlock device installed and operating for a
15 period of one year on all motor vehicles driven by the
16 offender, pursuant to rules adopted by the bureau. Unless
17 determined by the sentencing court to be indigent, the offender
18 shall pay all costs associated with having an ignition
19 interlock device installed on the appropriate motor vehicles.
20 If an offender drives a motor vehicle that does not have an
21 ignition interlock device installed on the motor vehicle, the
22 offender may be in violation of the terms and conditions of his
23 probation.

24 J. Upon a first conviction for driving while under
25 the influence of intoxicating liquor or drugs pursuant to the

1 provisions of Subsection A, B or C of this section, as a
2 condition of probation, an offender may be required to have an
3 ignition interlock device installed and operating for a period
4 of one year on all motor vehicles driven by the offender,
5 pursuant to rules adopted by the bureau. Unless determined by
6 the sentencing court to be indigent, the offender shall pay all
7 costs associated with having an ignition interlock device
8 installed on the appropriate motor vehicles. If an offender
9 drives a motor vehicle that does not have an ignition interlock
10 device installed on the motor vehicle, the offender may be in
11 violation of the terms and conditions of his probation.

12 K. Upon any subsequent conviction pursuant to this
13 section, as a condition of probation, a subsequent offender
14 shall be required to have an ignition interlock device
15 installed and operating for a period of at least one year on
16 all motor vehicles driven by the subsequent offender, pursuant
17 to rules adopted by the bureau. Unless determined by the
18 sentencing court to be indigent, the subsequent offender shall
19 pay all costs associated with having an ignition interlock
20 device installed on the appropriate motor vehicles. If a
21 subsequent offender drives a motor vehicle that does not have
22 an ignition interlock device installed on the motor vehicle,
23 the subsequent offender may be in violation of the terms and
24 conditions of his probation.

25 L. In the case of a first, second or third offense

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1 under this section, the magistrate court has concurrent
2 jurisdiction with district courts to try the offender.

3 M A conviction pursuant to a municipal or county
4 ordinance in New Mexico or a law of any other jurisdiction,
5 territory or possession of the United States [~~that~~] or of a
6 tribe, where that ordinance or law is equivalent to New Mexico
7 law for driving while under the influence of intoxicating
8 liquor or drugs, and [~~that~~] prescribes penalties for driving
9 while under the influence of intoxicating liquor or drugs,
10 shall be deemed to be a conviction pursuant to this section for
11 purposes of determining whether a conviction is a second or
12 subsequent conviction.

13 N. In addition to any other fine or fee [~~which~~]
14 that may be imposed pursuant to the conviction or other
15 disposition of the offense under this section, the court may
16 order the offender to pay the costs of any court-ordered
17 screening and treatment programs.

18 O. As used in this section:

19 (1) "bodily injury" means an injury to a
20 person that is not likely to cause death or great bodily harm
21 to the person, but does cause painful temporary disfigurement
22 or temporary loss or impairment of the functions of any member
23 or organ of the person's body; and

24 (2) "conviction" means an adjudication of
25 guilt and does not include imposition of a sentence. "

1 Section 10. EFFECTIVE DATE. --The effective date of the
2 provisions of this act is July 1, 2003.

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