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HOUSE BILL 490

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Al Park

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE KNOWN AS CHILD ENDANGERMENT; PROVIDING PENALTIES; ENACTING A NEW SECTION OF THE NMSA 1978.

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

Section 1. A new section of Chapter 30, Article 6 NMSA 1978 is enacted to read:

"NEW MATERIAL CHILD ENDANGERMENT. --

A. Child endangerment consists of a person transporting a child in a motor vehicle while violating the provisions of Section 66-8-102 NMSA 1978, regarding driving while under the influence of intoxicating liquor or drugs.

B. Whoever commits child endangerment that does not result in injury to the child is guilty of a third degree felony.

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1 C. Whoever commits child endangerment that results
2 in injury to the child is guilty of a second degree felony.

3 D. Whoever commits child endangerment that results
4 in great bodily harm to the child or the child's death is
5 guilty of a first degree felony.

6 E. A person who commits child endangerment as
7 provided in this section, and who has incurred a prior DWI
8 conviction within ten years of the occurrence for which he is
9 being sentenced pursuant to this section, shall have his basic
10 sentence increased by two years for each prior DWI conviction.
11 The sentence imposed pursuant to this subsection shall not be
12 suspended or deferred.

13 F. For the purposes of this section, "prior DWI
14 conviction" means:

15 (1) a prior conviction pursuant to Section
16 66-8-102 NMSA 1978; or

17 (2) a prior conviction in New Mexico or any
18 other jurisdiction, territory or possession of the United
19 States, including a tribal jurisdiction, when the criminal act
20 is driving while under the influence of intoxicating liquor or
21 drugs. "

22 Section 2. EFFECTIVE DATE. --The effective date of the
23 provisions of this act is July 1, 2004.