

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

March 2, 2019

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
HOUSE BILL 427

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 5, strike lines 5 through 25 in their entirety and on page 6, strike lines 1 through 15 in their entirety and insert in lieu thereof the following section:

"SECTION 2. Section 66-5-39 NMSA 1978 (being Laws 1978, Chapter 35, Section 261, as amended) is amended to read:

"66-5-39. DRIVING WHILE LICENSE SUSPENDED--PENALTIES.--

A. ~~[Any]~~ A person who drives a motor vehicle on any public highway of this state at a time when the person's privilege to do so is suspended and who knows or should have known that the person's license was suspended is guilty of a misdemeanor and ~~[shall be charged with a violation of this section. Upon conviction, the person shall]~~ may be punished ~~[notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than three hundred sixty-four days or participation for an equivalent period of time]~~ pursuant to Subsection B of Section 66-8-7 NMSA 1978 or for no more than ninety days of participation in a certified alternative sentencing program [and there may be imposed in addition a fine of not more than one thousand dollars (\$1,000)]. When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. Any municipal ordinance prohibiting driving with a suspended license shall provide penalties no less stringent than provided in this section.

B. In addition to any other penalties imposed pursuant to the provisions of this section, when a person is convicted pursuant to the provisions of this section or a municipal ordinance that prohibits driving on a suspended license, the motor vehicle the person was driving may be immobilized by an immobilization device for thirty days,

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unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing the motor vehicle.

~~[C. The division, upon receiving a record of the conviction of any person under this section, shall extend the period of suspension for an additional like period.]"~~

2. On page 7, between lines 10 and 11, insert the following:

"Vehicles subject to registration 66-3-1 \$50.00".

Respectfully submitted,

Gail Chasey, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against
Yes: 11
No: 0
Excused: Armstrong, D., Ely, McQueen
Absent: None

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