

HOUSE BILL 105

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO TRAFFIC OFFENSES; PROVIDING FOR TESTIMONY BY
INTERACTIVE VIDEO; PROVIDING FOR IMPLIED CONSENT TO A
LABORATORY ANALYST'S OR TOXICOLOGIST'S APPEARANCE BY VIDEO.

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

SECTION 1. A new section of the Implied Consent Act is
enacted to read:

"[NEW MATERIAL] PROCEDURE--VIDEO APPEARANCE.--If a party
subpoenas an analyst or toxicologist to testify at a court
proceeding for any purpose, the analyst or toxicologist may
appear by interactive video. An interactive video appearance
shall provide a full and meaningful opportunity to question and
cross-examine the witness in plain sight and clear hearing of
the judge, the jury, all parties and counsel, with the witness
able to clearly see and hear the proceeding."

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1 SECTION 2. Section 66-8-107 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 515, as amended) is amended to read:

3 "66-8-107. IMPLIED CONSENT TO SUBMIT TO CHEMICAL TEST--
4 COURT APPEARANCE BY VIDEO.--

5 A. ~~[Any]~~ A person who operates a motor vehicle
6 within this state shall be deemed to have given consent,
7 subject to the provisions of the Implied Consent Act, to
8 chemical tests of ~~[his]~~ that person's breath or blood or both,
9 approved by the scientific laboratory division of the
10 department of health pursuant to the provisions of Section
11 24-1-22 NMSA 1978 as determined by a law enforcement officer,
12 or for the purpose of determining the drug or alcohol content
13 of ~~[his]~~ the person's blood if the person is arrested for any
14 offense arising out of the acts alleged to have been committed
15 while the person was driving a motor vehicle while under the
16 influence of an intoxicating liquor or drug.

17 B. A test of blood or breath or both, approved by
18 the scientific laboratory division of the department of health
19 pursuant to the provisions of Section 24-1-22 NMSA 1978, shall
20 be administered at the direction of a law enforcement officer
21 having reasonable grounds to believe the person to have been
22 driving a motor vehicle within this state while under the
23 influence of an intoxicating liquor or drug.

24 C. If a laboratory analyst who performed a chemical
25 test or a toxicologist from the laboratory where the test was

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1 performed who will testify as an expert on the results of the
2 chemical testing is subpoenaed to testify at a court proceeding
3 about chemical testing that was performed pursuant to this
4 section, the defendant shall be deemed to have given consent to
5 the analyst's or toxicologist's appearance by means of
6 interactive video."

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