

LFC Requester:	
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1-28-26 *Check all that apply:*
Bill Number: HB-162 Original Correction
 Amendment Substitute

Sponsor: <u>Art De La Cruz, Meridith Dixon</u>	Agency Name and Code <u>AODA 264</u>
Short Title: <u>Motor Vehicle Crimes & Penalties</u>	Number: _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
	250,000	Nonrecurring	General Fund

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 162 increases the penalty for homicide by vehicle committed during reckless driving by raising the offense to a second degree felony. The bill also creates a new fourth degree felony for negligent homicide by vehicle to address deaths caused by careless driving that does not rise to the level of recklessness. Existing DWI related vehicular homicide provisions remain unchanged, including enhanced penalties for prior DWI convictions. The bill also appropriates two hundred fifty thousand dollars to the Department of Transportation for a statewide education campaign on careless and reckless driving.

FISCAL IMPLICATIONS

The bill will create additional work for prosecutors, public defenders, courts, and law enforcement because the new negligent homicide by vehicle offense applies to deaths caused by careless driving, which is far more common than reckless driving. Reckless driving is already a crime and already part of existing charging practices, so the penalty increase alone does not meaningfully expand the pool of cases and would likely have little fiscal impact. The major change is the ability to charge a felony in fatal crashes involving careless driving, which could apply in a significant number of traffic fatalities. These impacts involve adjustments to charging decisions, plea negotiations, sentencing recommendations and investigations. While there would be some increase in the cost to each agency, the bulk would likely fall on law enforcement as there could be increased costs to forensically evaluate cell phones, event data recorders, and camera systems.

The bill also includes a two hundred fifty thousand dollar appropriation to the Department of Transportation for a statewide education campaign on careless and reckless driving. This is a one time expenditure, and any unspent balance at the end of fiscal year 2027 reverts to the general fund.

SIGNIFICANT ISSUES

House Bill 162 makes two significant changes to the state's vehicular homicide framework. First, it increases the penalty for homicide by vehicle committed during reckless driving from a third degree felony to a second degree felony. Second, it creates a new fourth degree felony for negligent homicide by vehicle based on careless driving. Reckless driving is already a criminal offense and already supports felony charges in fatal-crash cases, so the penalty increase adjusts the existing structure rather than expanding the underlying conduct.

The more substantial policy change is the creation of a felony offense for deaths caused by careless driving. Crimes involving unintentional conduct are rarely classified as felonies in New Mexico, and current law generally reserves felony liability for conduct involving recklessness, impairment, or another aggravating factor. By allowing felony charges in fatal crashes involving careless driving, the bill broadens the range of unintentional conduct that may result in felony prosecution.

Currently, involuntary manslaughter could be applied to traffic fatality where there is criminal negligence, a gross deviation from the standard of care, which is a fourth degree felony. The enactment of this bill will reduce that standard to that of the Careless Driving statute "Any person who operates a vehicle in a careless, inattentive or imprudent manner, without due regard

for the width, grade, curves, corners, traffic, weather and road conditions and all other attendant circumstances...” making this conduct a felony when it causes a fatality.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

By allowing a felony charge for deaths caused by careless driving, the bill functionally removes the need to apply the criminal negligence standard required for involuntary manslaughter under *State v. Yarborough*, 1996-NMSC-068. *Yarborough* held that ordinary negligence cannot support a felony conviction, and this statute creates a separate felony pathway that applies at a lower culpability level.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES – Cell phone usage while driving will be a likely fact pattern encountered by law enforcement when there are facts giving rise to a possible charge if this bill is enacted. This will require additional investigation and potentially the requirement to obtain warrants for cellular devices.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – Status Quo

AMENDMENTS