

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 162 amends Section 66-8-101 NMSA 1978 to increase the penalty for homicide by vehicle while violating Section 66-8-113 NMSA 1978, reckless driving, from a third degree felony to a second degree felony.

HB 162 further amends Section 66-8-101 to create the offense of negligent homicide by vehicle, which the bill defines as “the killing of a human being by a motor vehicle while violating Section 66-8-114 NMSA 1978 [careless driving].” Negligent homicide by vehicle would be a fourth degree felony.

HB 162 appropriates \$250,000.00 from the general fund to the Department of Transportation for a statewide education campaign regarding careless and reckless driving. Unexpended funds would revert to the general fund at the end of fiscal year 2027.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

In FY 2024, the most recent year for which the NMSC has access to court data, there were 29 cases of homicide by vehicle while violating Section 66-8-113 NMSA 1978 (reckless driving). One case has not been disposed. Of the 28 cases with a disposition, two resulted in a conviction.

The new offense created by HB 162, negligent homicide by vehicle, would be a fourth degree felony and would carry a basic sentence of 18 months under Section 31-18-15 NMSA 1978. Based on the length of stay for individuals released from NM jails and prisons in FY 2024, the median length of stay for a fourth degree felony was 1.07 years.

It is difficult to determine what the effect of passing HB 162 would be on the state’s prison population, but the increased penalty for homicide by vehicle and the new offense of negligent homicide by vehicle would likely lead to more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state’s prison system is \$153.08/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

The new Paragraph “I” proposed by HB 162, creating the offense of negligent homicide by vehicle, states that negligent homicide by vehicle “is the killing of a human being by a motor vehicle”. This language may be clearer if it mimics the language used in Paragraph “A” and instead reads, “is the killing of a human being in the unlawful operation of a motor vehicle”.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS