

LFC Requester:

Joseph Simon

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: 1/27/26

Check all that apply:

Bill Number: HB162Original X Correction Amendment Substitute

	Art De La Cruz and Meredith A. Dixon and Cynthia	Agency Name and Code	
Sponsor:	<u>Borrego</u>	Number:	<u>770- NMCD</u>
Short Title:	<u>Motor Vehicle Crimes and Penalties</u>	Person Writing	<u>A. Griego Quintana</u>
		Phone: <u>505-479-2296</u>	Email <u>Anisa.griego-quinta@cd.nm.gov</u>

SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

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	0	0	0	0	N/A	N/A

(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

Synopsis: House Bill 162 triples the length of the potential prison sentence for someone who is convicted of killing another person with their vehicle while recklessly driving.

Existing law makes it a third-degree felony to commit homicide by vehicle while recklessly driving a vehicle in a way that endangers others and carries a sentence of three years in prison.

The bill makes the same conduct a second-degree felony, thereby increasing the sentence to nine years in prison.

House Bill 162 also creates a new crime of negligent homicide by vehicle, a fourth-degree felony that carries an eighteen-month prison sentence.

The bill also appropriates \$250,000 to be spent in the upcoming fiscal year on a public education campaign about careless driving and reckless driving.

FISCAL IMPLICATIONS

By substantially increasing the potential sentence lengths for homicide by vehicle while reckless driving, the bill could result in longer incarceration periods for a limited number of individuals resulting in increased long-term costs to the Department. Fiscal implications depend on whether prosecutors prosecute complaints in the same or greater frequency than at present.

In the first part, by elevating an existing vehicular crime by grade felony to second from third degree, conceptually persons sentenced for the same act may receive longer minimum sentences to serve in prison. These would expand budget costs to NMCD for each prisoner it must house over a given period of time increased from present estimates. The bill would not likely immediately increase the NMCD population but over time as longer sentences are imposed it may increase costs to house those incarcerated over longer periods.

In the second part, this bill creates a new crime of “negligent homicide by vehicle.” It cross-refers to Section 66-8-114 NMSA 1978 on operating a vehicle in a “careless, inattentive or imprudent manner.” This is a misdemeanor under current law. The new law would increase this same behavior to felony crime if one “commits negligent homicide by vehicle” by driving in the aforementioned way and killing a person as a result. As such, it may increase the prison population when a judge does not divert an offender to a non-custodial option to avoid or serve a sentence according to Section 31-18-15 NMSA 1978, which articulates a basic fourth degree felony sentence of eighteen months subject to the Criminal Sentencing Act. NMCD’s costs here too may depend on periods of supervision imposed on persons convicted.

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None