

LFC Requester:	Joseph Simon
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AGENCY BILL ANALYSIS – 2026 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: 27JAN26 *Check all that apply:*
Bill Number: HB162 Original Correction
 Amendment Substitute

		Agency Name and Code		
Sponsor:	<u>Rep. Art De La Cruz</u>	Number:	<u>790 – Department of Public Safety</u>	
Short Title:	<u>Motor Vehicle Crimes & Penalties</u>	Person Writing	<u>Matthew Broom, Deputy Chief</u>	
		Phone:	<u>5757601485</u>	Email: <u>Matthew.broom@dps.nm.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	N/A	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 (HB-162) enhances the penalty for homicide by vehicle when done driving recklessly, making it a second-degree felony instead of a third-degree felony. The bill also establishes a new crime of negligent homicide by vehicle for cases in which a person causes the death of another through careless driving. The offense would be classified as a fourth degree felony. The bill also provides for a \$250,000 General Fund appropriation to the Department of Transportation for FY27 for a statewide education campaign on careless and reckless driving

FISCAL IMPLICATIONS

No Fiscal Impact to DPS

SIGNIFICANT ISSUES

No Significant Issues to DPS

PERFORMANCE IMPLICATIONS

DPS supports this bill because it increases the penalty for homicide by vehicle caused by reckless driving from a third-degree felony to a second degree felony, increasing the possible jurisdiction from six (6) years to fifteen (15) years. This adjustment more accurately reflects the seriousness of reckless driving that results in death by recognizing the profound harm caused to victims, families, and communities. By strengthening penalties, the bill promotes accountability for the most dangerous driving behaviors and reinforces deterrence, helping to discourage conduct that poses a significant risk to public safety.

Additionally, SB 162 closes a significant gap in current law governing homicide by vehicle by establishing a new felony offense of negligent homicide by vehicle when a death results from careless driving. Under existing statute, careless driving that results in death carries the same penalty as careless driving that causes no injury or harm. It is classified as a Motor Vehicle Code misdemeanor punishable by up to 90 days of incarceration, a penalty that does not reflect the severity or permanence of a fatal outcome.

This bill establishes a felony offense that provides prosecutors with an appropriate charging option in cases where conduct was clearly dangerous and resulted in death but does not meet the statutory threshold for DWI, reckless driving, or intentional harm. The absence of such an offense has limited accountability in fatal crash cases involving criminal negligence.

Creating the crime of negligent homicide by vehicle and making it a felony aligns legal consequences with the seriousness of a loss of life, enhances proportionality in sentencing, and improves consistency within vehicular homicide statutes. The bill also reinforces that careless driving behaviors—such as distracted driving, speeding, and failure to yield—can have fatal consequences and warrant meaningful criminal accountability.

By establishing clear and appropriate penalties when negligent driving results in death, this legislation promotes greater care and responsibility among drivers and supports DPS's mission to improve roadway safety and reduce preventable fatalities.

Performance implications may include increased investigative demands for fatal motor vehicle crashes resulting from the creation of negligent homicide by vehicle as a chargeable offense when tied to careless driving

violations. However, in practice, law enforcement officers already conduct comprehensive investigations for many of these fatalities, and the proposed change would largely enable prosecutors to utilize existing investigative efforts rather than require substantially new ones.

ADMINISTRATIVE IMPLICATIONS

No Administrative Implications to DPS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No Technical Issues to DPS

OTHER SUBSTANTIVE ISSUES

No Substantive Issues to DPS

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.