

LFC Requester:	Jacobs
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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: 02.03.26 *Check all that apply:*
Bill Number: S 214 Original Correction
 Amendment Substitute

	Agency Name and Code
Sponsor: <u>Munoz</u>	Number: <u>218 / AOC</u>
Short Title: <u>Penalties for Certain Misdemeanors</u>	Person Writing: <u>Cynthia Pacheco</u>
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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						

(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: Senate Bill 214 amends several sections of the Motor Vehicle Code (NMSA 1978) to increase fines and penalty assessments for various misdemeanor violations, including general misdemeanors, reckless driving, careless driving, and a broad range of traffic offenses listed in the penalty assessment schedule. It also applies to the Boat Act. The changes generally raise minimum and maximum fines, with many penalty assessments increasing by \$75 or more, representing a 300-400% hike for lower-tier offenses (e.g., \$25 to \$100).

Key Provisions:

- Amends Section 66-8-7 to set misdemeanor fines at \$100-\$500 (previously up to \$300), with up to 90 days imprisonment.
- Amends Section 66-8-113 to increase reckless driving fines: first conviction \$500-\$750 (previously \$25-\$100), second \$750-\$1,000 (previously \$50-\$100 or more); imprisonment terms remain similar.
- Amends Section 66-8-114 to create a "careless driving" misdemeanor with fines of \$250-\$500 for first conviction (previously a general misdemeanor), \$500-\$750 for second; up to 90 days or 6 months imprisonment.
- Amends Section 66-8-116 to update the penalty assessment schedule for over 50 traffic offenses.

FISCAL IMPLICATIONS

Increased penalties to existing laws can increase the number of hearings and has the potential to increase caseloads and jury trials in the courts, thus requiring additional resources to handle the increases.

SIGNIFICANT ISSUES

Careless v Reckless

The difference between careless and reckless is the driver's mindset and potential for harm. Careless driving typically involves negligence or inattention without intentional risk-taking. Reckless driving, on the other hand, requires a willful or wanton element, meaning the driver consciously ignores safety, creating a higher likelihood of endangering others.

Imposing an incarceration penalty for careless driving in New Mexico transforms the offense from a potentially non-criminal traffic violation into a misdemeanor under NMSA § 66-8-114, which carries a potential jail sentence of up to 90 days and fines up to \$300. As penalties become more severe, the approximately 1,900 defendants who are charged each year with careless driving are more likely to invoke their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. These additional costs are not capable of quantification.

This shift not only entitles the defendant to court-appointed counsel if they are indigent but also raises significant procedural and resource challenges for the judicial system. While it does not mandate involvement from the district attorney (DA), in practice, most districts across the state

opt not to enter an appearance in such cases, leaving prosecution often to the citing police officer or potentially leading to dismissals. Furthermore, the possibility of jail time triggers a statutory right to a jury trial upon demand, which officers are not authorized to handle, creating uncertainty about whether DAs will step in to prosecute before a jury or simply dismiss the charges to avoid the added burden.

Increased Fines

New Mexico generally imposes lower monetary fines for most traffic offenses compared to Colorado, Oklahoma, Texas, and Arizona, but it often assigns higher demerit points to a driver's license, which could lead to faster license suspensions or insurance rate hikes. This suggests a focus on deterrence through points rather than high fines. Below is a breakdown by the most common offenses in the above referenced neighboring states:

Offense	New Mexico	Colorado	Oklahoma	Texas	Arizona
Speeding (1-10 mph over)	\$25 fine + court costs (3 points)	\$36 fine + surcharge (0-4 points depending on speed)	\$10 base fine + costs (total ~\$172) (0 points)	Varies by jurisdiction; ~\$150-\$170 total (2 points)	Varies; ~\$150-\$200 fine (2 points)
Speeding (11-20 mph over)	\$30-\$65 fine + court costs (3-5 points)	\$80-\$151 fine + surcharge (4 points)	\$20-\$35 base fine + costs (total ~\$203-\$213) (2 points for 16+)	Varies; ~\$180-\$245 total (2 points)	Varies; ~\$200-\$300 fine (3 points)
Speeding (21+ mph over)	\$100+ fine + court costs (6-8 points)	\$232+ fine, possible jail for 25+ (6+ points)	\$75+ base fine + costs (total ~\$213+) (3+ points)	Varies; ~\$265+ total, higher in zones (3 points)	\$300+ fine, criminal for excessive (3+ points, possible jail)
Running a Red Light / Stop Sign	~\$79 fine + costs (3 points)	\$100 fine + surcharge (4 points)	~\$193 fine + costs (2 points)	\$155-\$235 total (2 points)	\$230 fine + Traffic Survival School (4 points)
Seatbelt Violation	~\$25-\$56 fine (0 points)	\$65 fine (0 points for adults)	~\$20 fine (0 points)	\$125-\$200 fine (0 points)	\$50 fine (0 points)
Failure to Maintain Insurance	~\$300+ fine, possible suspension (0 points)	\$500+ fine, 4 points, possible suspension	~\$250+ fine, suspension	\$315+ fine, suspension for repeats (0 points)	\$950 fine, suspension (0 points)
DUI (First Offense)	\$300-\$500 fine, up to 90 days jail, 1 year suspension	\$600-\$1,000 fine, 9 months suspension, possible jail	\$300-\$1,000 fine, 6 months suspension, possible 10 days jail	\$2,000 fine, 180 days suspension, 3-180 days jail	\$1,250+ fine, 90 days suspension, 10 days jail
Reckless Driving	\$200 fine, up to 90 days jail (8 points)	\$150-\$300 fine, up to 90 days jail (8-12 points)	Up to \$500 fine, possible jail	Up to \$200 fine, 30 days jail (2 points)	\$750 fine, up to 30 days jail (8 points)

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

Fines are commonly used as a mechanism for accountability and as a revenue source for the government, particularly for traffic-related offenses. SB214 would increase the maximum fine for Motor Vehicle Code violations from not more than \$300 to not more than \$500 and not less than \$100, currently not less than \$25, representing a significant escalation in potential financial penalties for individuals charged and convicted of traffic offenses.

While the stated purpose of fines for Motor Vehicle Code violations is deterrence, increasing fine amounts may have disproportionate impacts on many New Mexicans. Nationally, approximately 64% of U.S. consumers live paycheck to paycheck. From 2023 through 2025, New Mexico has consistently ranked among the top three states with the highest poverty rates. Additionally, an estimated 31% of New Mexicans earn between \$7.50 and \$12.00 per hour. As of 2024, a single adult with no children requires approximately \$20–\$21 per hour to earn a living wage in New Mexico, while the state’s median wage has historically fallen below this threshold. For many residents, even modest increases in fines represent a significant financial burden and could result in an unintended consequence of residents finding themselves, particularly low-income residents, into a cycle of debt and court involvement.

Traffic stops frequently result in multiple citations arising from a single incident, causing fines to compound. Under SB214, individuals cited for several minor violations could experience hundreds of dollars in additional financial penalties. While this may result in short-term revenue gains, research suggests increased fine amounts can also lead to higher rates of nonpayment, increased issuance of failure-to-pay warrants, and greater administrative and enforcement costs for courts and law enforcement.

Research also indicates that increased reliance on fines and fees can exacerbate racial disparities and undermine public safety. A recent study in Nevada found that although Black residents made up approximately 13% of the population in Las Vegas, they accounted for nearly 45% of arrest warrants issued for failure to pay traffic-related fines. Another national study examining data from 5,935 municipalities found that jurisdictions more heavily reliant on fines and fees experienced higher rates of unresolved violent and property crimes, suggesting that aggressive fine-based revenue systems may divert resources away from effective public safety strategies. Another recent study of the impact of New Mexico's fines and fees found that the pressure to pay fines and fee debt may result in high-risk behavior and undermine community safety with nearly half using payday loans and some reporting they have committed a crime to pay court-ordered fines.

Taken together, while SB214 may increase revenue and aim to enhance deterrence, it also carries significant risks of economic harm, inequitable enforcement, and unintended public safety consequences, particularly for low-income and marginalized communities in New Mexico.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS