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HOUSE BILL 275

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY
MIMI STEWART

AN ACT

RELATING TO MOTOR VEHICLES; AUTHORIZING COURTS TO REQUIRE AS A
CONDITION OF RELEASE ON BOND THAT A DWI DEFENDANT HAVE AN
IGNITION INTERLOCK DEVICE INSTALLED ON HIS MOTOR VEHICLE;
PROVIDING THAT CERTAIN DWI OFFENDERS BE REQUIRED TO INSTALL
IGNITION INTERLOCK DEVICES ON THEIR MOTOR VEHICLES; ENACTING NEW
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 66, Article 8 NMSA
1978 is enacted to read:

"[NEW MATERIAL] CONDITION OF RELEASE-- USE OF MOTOR VEHICLE
IGNITION INTERLOCK DEVICE. --

A. When a person is arrested and charged with a
violation of Section 66-8-102 NMSA 1978, the court may require
as a condition of release on bond that the person:

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1 (1) have installed on the motor vehicle owned
2 by the person or on the motor vehicle most regularly driven by
3 the person, a motor vehicle ignition interlock device that uses
4 a deep-lung breath analysis mechanism to make impractical the
5 operation of the motor vehicle if ethyl alcohol is detected in
6 the operator's breath; and

7 (2) not operate any motor vehicle unless the
8 motor vehicle is equipped with a motor vehicle ignition
9 interlock device.

10 B. If the person is required to have the motor
11 vehicle ignition interlock device installed, the court shall
12 require the person to have the device installed on the
13 appropriate motor vehicle, at the person's expense, before the
14 thirtieth day after the date the person is released on bond.
15 The court shall require the person to provide evidence to the
16 court within the thirty-day period that the motor vehicle
17 ignition interlock device has been installed on the vehicle.

18 C. The court may designate an appropriate agency to
19 verify the installation of the motor vehicle ignition interlock
20 device and to monitor the device. "

21 Section 2. A new section of Chapter 66, Article 8 NMSA
22 1978 is enacted to read:

23 "[NEW MATERIAL] PERSONS CONVICTED FOR AGGRAVATED DRIVING
24 WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS--
25 PERSONS CONVICTED A SECOND OR SUBSEQUENT TIME FOR DRIVING WHILE

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1 UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS-- USE OF
2 MOTOR VEHICLE IGNITION INTERLOCK DEVICE. --

3 A. In addition to any other penalties imposed
4 pursuant to the provisions of Section 66-8-102 NMSA 1978, when a
5 person is convicted for aggravated driving while under the
6 influence of intoxicating liquor or drugs or convicted a second
7 or subsequent time for driving while under the influence of
8 intoxicating liquor or drugs, the court shall order that the
9 person have installed on the motor vehicle owned by the person
10 or on the motor vehicle most regularly driven by the person, a
11 motor vehicle ignition interlock device that uses a deep-lung
12 breath analysis mechanism to make impractical the operation of
13 the motor vehicle if ethyl alcohol is detected in the operator's
14 breath.

15 B. The court shall require the person to have the
16 device installed on the appropriate motor vehicle, at the
17 person's expense, before the tenth day after the person is
18 released from his term of imprisonment. The court shall require
19 the person to provide evidence to the court within the ten-day
20 period that the motor vehicle ignition interlock device has been
21 installed on the vehicle.

22 C. The person shall keep the motor vehicle ignition
23 interlock device installed on his motor vehicle for a period of
24 ninety days. The court may designate an appropriate agency to
25 verify the installation of the motor vehicle ignition interlock

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1 device and to monitor the device.

2 D. The provisions of this section shall not be
3 interpreted to allow a person whose driver's license has been
4 suspended or revoked to lawfully operate a motor vehicle."

5 Section 3. EFFECTIVE DATE. -- The effective date of the
6 provisions of this act is July 1, 1997.

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