Underscored material = new
[bracketed material] = delete

HOUSE BILL 906

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

INTRODUCED BY

GERALD E. WEEKS

AN ACT

RELATING TO CRIMINAL LAW; CREATING THE CRIMINAL OFFENSE OF
AGGRAVATED EVADING OF AN OFFICER; ENACTING A NEW SECTION OF THE
NMSA 1978.

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

Section 1. A new Section 30-22-1.1 NMSA 1978 is enacted to
read:

"30-22-1.1. [NEW MATERIAL] AGGRAVATED EVADING OF AN
OFFICER.--

A. Aggravated evading of an officer consists of
willfully refusing to bring a motor vehicle to a stop when given
a visual or audible signal to stop, whether by hand, voice,
emergency light, flashing light, siren or other signal, by a
uniformed officer in an appropriately marked police vehicle and
then driving the fleeing motor vehicle in a reckless manner that

.116188.1

1   jeopardizes the safety of:

2   (1)   the general public;

3   (2)   the person driving the fleeing motor

4   vehicle or any occupants in his motor vehicle; or

5   (3)   the officer seeking to stop the fleeing

6   motor vehicle.

7   B.   Whoever commits aggravated evading of an officer

8   is guilty of a fourth degree felony."

9   Section 2.   EFFECTIVE DATE.--The effective date of the

10 provisions of this act is July 1, 1997.

11   - 2 -

.116188.1

State of New Mexico
House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 7, 1997

Mr. Speaker:

   Your **JUDICIARY COMMITTEE,** to whom has been referred

HOUSE BILL 906

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

   1.   On page 1, line 21, strike "willfully refusing" and
insert in lieu thereof "the intentional refusal".

   2.   On page 1, line 23, strike the third occurrence of a
comma.

   3.   On page 1, strike line 25 in its entirety and insert in
lieu thereof "the reckless driving of a motor vehicle with the
intention of fleeing from a uniformed officer in pursuit of the
vehicle and endangering".

   4.   On page 2, line 1, strike "jeopardizes".

   .116188.1

1

2   5.   On page 2, strike lines 2 through 6 in their entirety and

3 insert in lieu thereof the following:

4

5   "(1)   an officer in pursuit of the fleeing
   vehicle;

6

7   (2)   a pedestrian in the immediate vicinity of the

8 fleeing vehicle; or

9

10   (3)   the occupants of any other vehicle in the

11 immediate vicinity of the fleeing vehicle.".,

12

   and thence referred to the **APPROPRIATIONS AND FINANCE**
13 **COMMITTEE.**

14

15   Respectfully submitted,

16

17

18

19 _____

20 **Thomas P. Foy, Chairman**

21

22

23

24

25

. 116188. 1

1

2 Adopted _____   Not Adopted _____

3

4   (Chief Clerk)   (Chief Clerk)

5   Date _____

6

7 The roll call vote was_10_ For_0_ Against

8 Yes: 10

9 Excused: Luna, Rios, Sanchez

10 Absent: None

11

12

13 118492.1

    M:\H0906

14

15

16

17

18

19

20

21

22

23

24

25

   .116188.1