

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 137

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE CRIMINAL PENALTY FOR
HOMICIDE BY VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING
LIQUOR OR DRUGS WHEN THE OFFENDER HAS THREE OR MORE PRIOR DWI
CONVICTIONS; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 66-8-101 NMSA 1978 (being Laws 1978,
Chapter 35, Section 509, as amended) is amended to read:

"66-8-101. HOMICIDE BY VEHICLE--GREAT BODILY [~~INJURY~~]
HARM BY VEHICLE. --

A. Homicide by vehicle is the killing of a human
being in the unlawful operation of a motor vehicle.

B. Great bodily [~~injury~~] harm by vehicle is the
injuring of a human being, to the extent defined in Section
30-1-12 NMSA 1978, in the unlawful operation of a motor

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 vehicle.

2 C. ~~[Any]~~ A person who commits homicide by vehicle
3 or great bodily ~~[injury]~~ harm by vehicle while under the
4 influence of intoxicating liquor or while under the influence
5 of any drug or while violating Section 66-8-113 NMSA 1978 is
6 guilty of a third degree felony and shall be sentenced
7 pursuant to the provisions of Section 31-18-15 NMSA 1978,
8 provided that violation of speeding laws as set forth in the
9 Motor Vehicle Code shall not per se be a basis for violation
10 of Section 66-8-113 NMSA 1978.

11 D. ~~[Any]~~ A person who commits ~~[homicide by vehicle~~
12 ~~or]~~ great bodily ~~[injury]~~ harm by vehicle while under the
13 influence of intoxicating liquor or while under the influence
14 of any drug, as provided in Subsection C of this section, and
15 who has incurred a prior DWI conviction within ten years of
16 the occurrence for which he is being sentenced ~~[under]~~
17 pursuant to this section shall have his basic sentence
18 increased by two years for each prior DWI conviction.

19 E. A person who commits homicide by vehicle while
20 under the influence of intoxicating liquor or while under the
21 influence of any drug, as provided in Subsection C of this
22 section, who has incurred a first or second DWI conviction
23 within ten years of the occurrence for which he is being
24 sentenced pursuant to this section, shall have his basic
25 sentence increased by two years for each prior DWI conviction.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 27, 1999

6
7 Mr. President:

8
9 Your JUDICIARY COMMITTEE, to whom has been referred

10
11 SENATE BILL 137

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 FINANCE COMMITTEE.
16

17
18 Respectfully submitted,

19
20
21
22
23
24 _____
25 Michael S. Sanchez, Chairman

underscored material = new
[bracketed material] = delete

1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

4

5

6 Date _____

7

8

9 The roll call vote was 5 For 0 Against

10 Yes: 5

11 No: None

12 Excused: Aragon, Sanchez, Tsosie

13 Absent: None

14

15

16 S0137JU1

17

18

19

20

21

22

23

24

25

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4

5
6 March 8, 1999
7

8 Mr. President:
9

10 Your FINANCE COMMITTEE, to whom has been referred
11

12 SENATE BILL 137
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
16

17
18 Respectfully submitted,
19
20
21
22

23 _____
24 Ben D. Altamirano, Chairman
25

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

Adopted _____ Not

1 Adopted _____

2 (Chief Clerk)

(Chief Clerk)

3

4

5

6 Date _____

7

8

9 The roll call vote was 8 For 0 Against

10 Yes: 8

11 No: 0

12 Excused: Campos, Carraro, Ingle, McKibben, Tsosie

13 Absent: None

14

15

16 S0137FC1

17

18

19

20

21

22

23

24

25

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4
5

6 March 15, 1999
7

8 Mr. Speaker:
9

10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 SENATE BILL 137
13

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

16 1. On page 1, line 13, strike "DRUGS" and insert in lieu
17 thereof "CONTROLLED SUBSTANCES".

18 2. On page 2, line 14, strike "drug" and insert in
19 lieu thereof "controlled substance".

20 3. On page 2, line 21, strike "drug" and insert in lieu
21 thereof "controlled substance".

22 4. On page 3, line 3, strike "drug" and insert in lieu
23 thereof "controlled substance".
24
25

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/SB 137

Page 9

5. On page 3, line 4, strike "prior" and insert in lieu thereof "within ten years of", and on line 5 strike the first occurrence of "to".

6. On page 3, line 16, strike "drugs" and insert in lieu thereof "controlled substances".,

and thence referred to APPROPRIATIONS AND FINANCE
COMMI TTEE.

Respectfully submitted,

R. David Pederson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

underscored material = new
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/SB 137

Page 10

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Luna, Martinez, Stewart, Sanchez

Absent: None

J:\99BillsWP\S0137

underscored material = new
[bracketed material] = delete