

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 4

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Peter Wirth

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PROHIBITING CERTAIN PLEA AGREEMENTS FOR A PERSON WHO REFUSES TO SUBMIT TO A CHEMICAL TEST AUTHORIZED BY THE IMPLIED CONSENT ACT.

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

Section 1. Section 66-8-102.1 NMSA 1978 (being Laws 1982, Chapter 102, Section 2, as amended by Laws 2003, Chapter 51, Section 11 and by Laws 2003, Chapter 90, Section 4) is amended to read:

"66-8-102.1. GUILTY PLEAS--LIMITATIONS.--Where the complaint or information alleges a violation of Section 66-8-102 NMSA 1978, any plea of guilty thereafter entered in satisfaction of the charges shall include at least a plea of guilty to ~~the~~ a violation of one of the subsections of .179351.1GR

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Section 66-8-102 NMSA 1978, and no other disposition by plea of
2 guilty to any other charge in satisfaction of the charge shall
3 be authorized if:

4 A. the results of a test performed pursuant to the
5 Implied Consent Act disclose that the blood or breath of the
6 person charged contains an alcohol concentration of:

7 [~~A.~~] (1) eight one hundredths or more; or

8 [~~B.~~] (2) four one hundredths or more if the
9 person charged is driving a commercial motor vehicle; or

10 B. the person refuses to submit to a chemical test
11 authorized by the Implied Consent Act."

12 Section 2. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2010.

14 - 2 -

15

16

17

18

19

20

21

22

23

24

25