SENATE BILL 127

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Peter Wirth

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

.183027.1

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

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

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

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

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

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2011.

- 2 -

underscored material = new
[bracketed material] = delete

.183027.1