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HOUSE BILL 328

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIME; PROVIDING PENALTIES FOR HOMICIDE BY VEHICLE  
AND GREAT BODILY HARM BY VEHICLE WHILE RECKLESSLY DRIVING A  
STOLEN VEHICLE.

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 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 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 vehicle.

C. A person who commits homicide by vehicle while

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1 under the influence of intoxicating liquor or while under the  
2 influence of any drug is guilty of a second degree felony and  
3 shall be sentenced pursuant to the provisions of Section  
4 31-18-15 NMSA 1978.

5 D. A person who commits homicide by vehicle while  
6 violating Section 66-8-113 NMSA 1978 is guilty of a third  
7 degree felony and shall be sentenced pursuant to the provisions  
8 of Section 31-18-15 NMSA 1978; provided that violation of  
9 speeding laws as set forth in the Motor Vehicle Code shall not  
10 per se be a basis for violation of Section 66-8-113 NMSA 1978.

11 E. A person who commits great bodily harm by  
12 vehicle while under the influence of intoxicating liquor, while  
13 under the influence of any drug or while violating Section  
14 66-8-113 NMSA 1978 is guilty of a third degree felony and shall  
15 be sentenced pursuant to the provisions of Section 31-18-15  
16 NMSA 1978; provided that violation of speeding laws as set  
17 forth in the Motor Vehicle Code shall not per se be a basis for  
18 violation of Section 66-8-113 NMSA 1978.

19 F. A person who commits homicide by vehicle or  
20 great bodily harm by vehicle while under the influence of  
21 intoxicating liquor or while under the influence of any drug,  
22 as provided in Subsection C or E of this section, and who has  
23 incurred a prior DWI conviction within ten years of the  
24 occurrence for which the person is being sentenced under this  
25 section shall have the person's basic sentence increased by

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1 four years for each prior DWI conviction.

2 G. A person who commits homicide by vehicle while  
3 violating Section 66-8-113 NMSA 1978 and while driving a stolen  
4 vehicle is guilty of a first degree felony and shall be  
5 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
6 1978; provided that violation of speeding laws as set forth in  
7 the Motor Vehicle Code shall not per se be a basis for  
8 violation of Section 66-8-113 NMSA 1978.

9 H. A person who commits great bodily harm by  
10 vehicle while violating Section 66-8-113 NMSA 1978 and while  
11 driving a stolen vehicle is guilty of a second degree felony  
12 and shall be sentenced pursuant to the provisions of Section  
13 31-18-15 NMSA 1978; provided that violation of speeding laws as  
14 set forth in the Motor Vehicle Code shall not per se be a basis  
15 for violation of Section 66-8-113 NMSA 1978.

16 [~~G.~~] I. For the purposes of this section, "prior  
17 DWI conviction" means:

18 (1) a prior conviction under Section 66-8-102  
19 NMSA 1978; or

20 (2) a prior conviction in New Mexico or any  
21 other jurisdiction, territory or possession of the United  
22 States, including a tribal jurisdiction, when the criminal act  
23 is driving under the influence of alcohol or drugs.

24 [~~H.~~] J. A person who willfully operates a motor  
25 vehicle in violation of Subsection C of Section 30-22-1 NMSA

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1 1978 and directly or indirectly causes the death of or great  
2 bodily harm to a human being is guilty of a third degree felony  
3 and shall be sentenced pursuant to the provisions of Section  
4 31-18-15 NMSA 1978."

5 SECTION 2. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2017.

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