

1 HOUSE BILL 159

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Andrea Reeb and William "Bill" R. Rehm

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10 AN ACT

11 RELATING TO TRAFFIC OFFENSES; PROVIDING FOR TESTIMONY BY
12 INTERACTIVE VIDEO; PROVIDING FOR IMPLIED CONSENT TO A
13 LABORATORY ANALYST'S APPEARANCE BY VIDEO.

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

16 SECTION 1. A new section of the Implied Consent Act is
17 enacted to read:

18 "[NEW MATERIAL] PROCEDURE--VIDEO APPEARANCE.--If a party
19 subpoenas an analyst to testify at a court proceeding for any
20 purpose, the analyst may appear by interactive video. An
21 interactive video appearance shall provide a full and
22 meaningful opportunity to question and cross-examine the
23 witness in plain sight and clear hearing of the judge, jury,
24 all parties and counsel, with the witness able to clearly see
25 and hear the proceeding."

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1 SECTION 2. Section 66-8-107 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 515, as amended) is amended to read:

3 "66-8-107. IMPLIED CONSENT TO SUBMIT TO CHEMICAL TEST--
4 COURT APPEARANCE BY VIDEO.--

5 A. Any person who operates a motor vehicle within
6 this state shall be deemed to have given consent, subject to
7 the provisions of the Implied Consent Act, to chemical tests of
8 [~~his~~] that person's breath or blood or both, approved by the
9 scientific laboratory division of the department of health
10 pursuant to the provisions of Section 24-1-22 NMSA 1978 as
11 determined by a law enforcement officer, or for the purpose of
12 determining the drug or alcohol content of [~~his~~] the person's
13 blood if the person is arrested for any offense arising out of
14 the acts alleged to have been committed while the person was
15 driving a motor vehicle while under the influence of an
16 intoxicating liquor or drug.

17 B. A test of blood or breath or both, approved by
18 the scientific laboratory division of the department of health
19 pursuant to the provisions of Section 24-1-22 NMSA 1978, shall
20 be administered at the direction of a law enforcement officer
21 having reasonable grounds to believe the person to have been
22 driving a motor vehicle within this state while under the
23 influence of intoxicating liquor or drug.

24 C. If a laboratory analyst is subpoenaed to testify
25 at a court proceeding about chemical testing that the analyst

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1 performed pursuant to this section, the defendant shall be
2 deemed to have given consent to the analyst's appearance by
3 means of interactive video."

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