

HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 600

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
RAISING THE DEGREE OF FELONY FOR HOMICIDE BY VEHICLE WHILE
COMMITTING RECKLESS DRIVING FROM A THIRD DEGREE FELONY TO A
SECOND DEGREE FELONY; PROVIDING THAT A PERSON WHO COMMITS
HOMICIDE BY VEHICLE OR GREAT BODILY HARM BY VEHICLE WHILE
COMMITTING CARELESS DRIVING IS GUILTY OF A FOURTH DEGREE
FELONY.

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

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

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

F. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of

1 intoxicating liquor or while under the influence of any drug,
2 as provided in Subsection C or E of this section, and who has
3 incurred a prior DWI conviction within ten years of the
4 occurrence for which the person is being sentenced under this
5 section shall have the person's basic sentence increased by
6 four years for each prior DWI conviction.

7 G. For the purposes of this section, "prior DWI
8 conviction" means:

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

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

15 H. A person who willfully operates a motor vehicle
16 in violation of Subsection C of Section 30-22-1 NMSA 1978 and
17 directly or indirectly causes the death of or great bodily harm
18 to a human being is guilty of a third degree felony and shall
19 be sentenced pursuant to the provisions of Section 31-18-15
20 NMSA 1978.

21 I. A person who commits homicide by vehicle or
22 great bodily harm by vehicle while violating Section 66-8-114
23 NMSA 1978 is guilty of a fourth degree felony."