

Proposed  
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.

.231980.2

underscored material = new  
[bracketed material] = delete

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."