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HOUSE BILL 165

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. DAVID PEDERSON

FOR THE DWI OVERSIGHT TASK FORCE

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE CRIMINAL PENALTY FOR  
HOMICIDE BY VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING  
LIQUOR OR DRUGS; AMENDING A SECTION OF THE NMSA 1978.

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 [~~INJURY~~] 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 [~~injury~~] 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. Any 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 or while violating Section 66-8-113 NMSA  
3 1978 is guilty of a third degree felony resulting in the death  
4 of a human being and shall be sentenced pursuant to the  
5 provisions of Section 31-18-15 NMSA 1978. A violation of  
6 speeding laws as set forth in the Motor Vehicle Code shall not,  
7 per se, be a basis for violation of Section 66-8-113 NMSA 1978.

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

17 [~~D.~~] E. Any person who commits homicide by vehicle  
18 or great bodily [~~injury~~] harm by vehicle while under the  
19 influence of intoxicating liquor or while under the influence of  
20 any drug, as provided in Subsection C or D of this section, and  
21 who has incurred a prior DWI conviction within ten years of the  
22 occurrence for which he is being sentenced under this section  
23 shall have his basic sentence increased by two years for each  
24 prior DWI conviction.

25 [E.] F. For the purposes of this section, "prior

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1 DWI conviction" means:

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

4 (2) a prior conviction in New Mexico or any  
5 other jurisdiction, territory or possession of the United States  
6 when the criminal act is driving under the influence of alcohol  
7 or drugs.

8 [F.] G. Any person who willfully operates a motor  
9 vehicle in violation of Subsection C of Section 30-22-1 NMSA  
10 1978 and directly or indirectly causes the death of or great  
11 bodily [~~injury~~] harm to a human being is guilty of a third  
12 degree felony and shall be sentenced pursuant to the provisions  
13 of Section 31-18-15 NMSA 1978. "

14 Section 2. EFFECTIVE DATE. -- The effective date of the  
15 provisions of this act is July 1, 1997.

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

January 31, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 165

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

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Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Sanchez, Vaughn

Absent: None

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# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**February 25, 1997**

**Mr. Speaker:**

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred**

**HOUSE BILL 165**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

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**Max Coll, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Buffett, Garcia, M H., Heaton, Picraux, Salazar,  
Townsend, Varela, Watchman

Absent: None

M \H0165

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