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HOUSE BILL 555

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

INTRODUCED BY

BOBBIE K. MALLORY

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE PENALTY FOR HOMICIDE BY VEHICLE OR GREAT BODILY INJURY BY VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; AMENDING A SECTION OF THE MOTOR VEHICLE CODE.

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 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 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.

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Underscored material = new  
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1 C. Any person who commits homicide by vehicle or  
2 great bodily injury by vehicle while under the influence of  
3 intoxicating liquor or while under the influence of any drug or  
4 while violating Section 66-8-113 NMSA 1978 is guilty of a  
5 [~~third~~] second degree felony and shall be sentenced pursuant to  
6 the provisions of Section 31-18-15 NMSA 1978, provided that  
7 violation of speeding laws as set forth in the Motor Vehicle  
8 Code shall not per se be a basis for violation of Section  
9 66-8-113 NMSA 1978.

10 D. Any person who commits homicide by vehicle or  
11 great bodily injury by vehicle while under the influence of  
12 intoxicating liquor or while under the influence of any drug, as  
13 provided in Subsection C of this section, and who has incurred a  
14 prior DWI conviction within ten years of the occurrence for  
15 which he is being sentenced under this section shall have his  
16 basic sentence increased by [~~two~~] five years for each prior DWI  
17 conviction.

18 E. For the purposes of this section, "prior DWI  
19 conviction" means:

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

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

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

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