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SENATE BILL 213

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

INTRODUCED BY

FERNANDO R. MACIAS

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

. 113778. 1

Underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

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 DWI
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1 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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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
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SB 213/a

5 February 17, 1997
6

7 Mr. President:
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9 Your JUDICIARY COMMITTEE, to whom has been referred
10

11 SENATE BILL 213
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:
15

- 16 1. On page 2, line 20, strike "or D".
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18 Respectfully submitted,
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22 _____
23 Fernando R Macias, Chairman
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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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Page 5

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Sanchez

Excused: Tsosie

Absent: None

S0213JU1

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 12, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred
SENATE BILL 213, as amended
has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to
HOUSE APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

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 9 For 0 Against

Yes: 9

Excused: Alwin, Rios, Sanchez, Stewart

Absent: None

M \S0213

Underscored material = new
~~[bracketed material] = delete~~