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HOUSE BILL 233

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. David Pederson

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE  
KNOWN AS HOMICIDE BY VEHICLE WHILE CRIMINALLY NEGLIGENT;  
PROVIDING PENALTIES; 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 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.

C. Any person who commits homicide by vehicle or

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

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

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

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

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

25 F. Any person who willfully operates a motor

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1 vehicle in violation of Subsection C of Section 30-22-1 NMSA  
2 1978 and directly or indirectly causes the death of or great  
3 bodily injury to a human being is guilty of a third degree  
4 felony and shall be sentenced pursuant to the provisions of  
5 Section 31-18-15 NMSA 1978.

6 G. A person who commits homicide by vehicle while  
7 criminally negligent is guilty of a fourth degree felony and  
8 shall be sentenced pursuant to the provisions of Section  
9 31-18-15 NMSA 1978. As used in this subsection, "criminally  
10 negligent" means that a person knew or should have known of  
11 the danger involved and acted with a reckless disregard for  
12 the safety of another person. "

13 Section 2. EFFECTIVE DATE. --The effective date of the  
14 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 February 3, 1999  
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8 Mr. Speaker:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 233  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, and thence referred to the  
16 APPROPRIATIONS & FINANCE COMMITTEE.

17 Respectfully submitted,  
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23 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3  
4 February 22, 1999

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
10 whom has been referred

11 HOUSE BILL 233

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

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16 Respectfully submitted,

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21 Max Coll, Chair man  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 14 For 0 Against

Yes: 14

Excused: Buffett, Picraux, Watchman

Absent: None

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