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HOUSE BILL 234

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; 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.

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1                    C. A person who commits homicide by vehicle while  
2 under the influence of intoxicating liquor, while under the  
3 influence of any drug or while violating Section 66-8-113 NMSA  
4 1978 is guilty of a third degree felony resulting in the death  
5 of a human being and shall be sentenced pursuant to the  
6 provisions of Section 31-18-15 NMSA 1978. A violation of  
7 speeding laws as set forth in the Motor Vehicle Code shall  
8 not, per se, be a basis for violation of Section 66-8-113 NMSA  
9 1978.

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

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

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1 for each prior DWI conviction.

2 [E-] F. For the purposes of this section, "prior  
3 DWI conviction" means:

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

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

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

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

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
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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  
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12 HOUSE BILL 234  
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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

J: \99BillSWP\H0234

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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 234

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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

Page 7

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

J: \99BillSWP\H0234

underscored material = new  
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