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HOUSE BILL 313

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

INTRODUCED BY

Terry T. Marquardt

AN ACT

RELATING TO CRIMES; CREATING THE CRIME OF FLEEING AN OFFICER;
PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-22-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 22-1, as amended) is amended to read:

"30-22-1. RESISTING ~~[EVADING]~~ OR OBSTRUCTING AN OFFICER.--Resisting
~~[evading]~~ or obstructing an officer consists of:

A. knowingly obstructing, resisting or opposing any officer of this state or any
other duly authorized person serving or attempting to serve or execute any process or any rule
or order of any of the courts of this state or any other judicial writ or process; or

~~[B. intentionally fleeing, attempting to evade or evading an officer of this state
when the person committing the act of fleeing, attempting to evade or evasion has knowledge
that the officer is attempting to apprehend or arrest him;~~

~~C. willfully refusing to bring a vehicle to stop when given a visual or audible
signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a~~

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~~uniformed officer in an appropriately marked police vehicle; or~~

~~D:] B.~~ resisting or abusing any judge, magistrate or peace officer in the lawful discharge of his duties.

Whoever commits resisting [~~evading~~] or obstructing an officer is guilty of a misdemeanor."

Section 2. A new section of the Criminal Code is enacted to read:

"[NEW MATERIAL] FLEEING AN OFFICER.--Fleeing an officer consists of:

A. intentionally fleeing, attempting to evade or evading an officer of this state when the person committing the act of fleeing, attempting to evade or evasion has knowledge that the officer is attempting to apprehend or arrest him; or

B. willfully refusing to bring a vehicle to a stop when given a visual or audible signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a uniformed officer in an appropriately marked police vehicle.

Whoever commits fleeing an officer is guilty of a fourth degree felony."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 3, 1999

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9 Mr. Speaker:

10 Your **JUDICIARY COMMITTEE**, to whom has been referred

11
12 **HOUSE BILL 313**

13
14 has had it under consideration and reports same with recommendation that it **DO NOT**
15 **PASS**, but that

16
17 **HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR**
18 **HOUSE BILL 313**

19
20 **DO PASS**, thence referred to the **APPROPRIATIONS AND FINANCE**
21 **COMMITTEE.**

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HJC/HB 313

Page 4

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5 Respectfully submitted,

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9 _____
10 **R. David Pederson, Chairman**

11
12 Adopted _____ Not Adopted _____

13 (Chief Clerk)

(Chief Clerk)

14
15 Date _____

16
17 The roll call vote was 8 For 0 Against

18 Yes: 8

19 Excused: Godbey, Luna, Stewart, Sanchez

20 Absent: None

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22 F:\99Bills\WP\H0313

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HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 313

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

AN ACT

RELATING TO CRIMES; CREATING THE CRIME OF AGGRAVATED FLEEING AN
OFFICER; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted to read:

"[NEW MATERIAL] AGGRAVATED FLEEING AN OFFICER.--

A. Aggravated fleeing an officer consists of a person willfully and recklessly driving his vehicle in a manner that endangers the life of another person after being given a visual or audible signal to stop, whether by hand, voice, emergency light, flashing light, siren or other signal, by a uniformed officer in an appropriately marked police vehicle.

B. Whoever commits aggravated fleeing an officer is guilty of a fourth degree felony."

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

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HJC/HB 313

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 10, 1999

Mr. Speaker:

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

**HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 313**

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

Respectfully submitted,

Max Coll, Chairman

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1 Adopted _____ Not Adopted _____

2 (Chief Clerk)

(Chief Clerk)

3

4 Date _____

5

6 The roll call vote was 17 For 0 Against

7 Yes: 17

8 Excused: None

9 Absent: None

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