HOUSE BILL 328

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIME; PROVIDING PENALTIES FOR HOMICIDE BY VEHICLE
AND GREAT BODILY HARM BY VEHICLE WHILE RECKLESSLY DRIVING A
STOLEN VEHICLE.

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 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 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. A person who commits homicide by vehicle while

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1   under the influence of intoxicating liquor or while under the

2   influence of any drug is guilty of a second degree felony and

3   shall be sentenced pursuant to the provisions of Section

4   31-18-15 NMSA 1978.

5   D.   A person who commits homicide by vehicle while

6   violating Section 66-8-113 NMSA 1978 is guilty of a third

7   degree felony and shall be sentenced pursuant to the provisions

8   of Section 31-18-15 NMSA 1978; provided that violation of

9   speeding laws as set forth in the Motor Vehicle Code shall not

10   per se be a basis for violation of Section 66-8-113 NMSA 1978.

11   E.   A person who commits great bodily harm by

12   vehicle while under the influence of intoxicating liquor, while

13   under the influence of any drug or while violating Section

14   66-8-113 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 violation of speeding laws as set

17   forth in the Motor Vehicle Code shall not per se be a basis for

18   violation of Section 66-8-113 NMSA 1978.

19   F.   A person who commits homicide by vehicle or

20   great bodily harm by vehicle while under the influence of

21   intoxicating liquor or while under the influence of any drug,

22   as provided in Subsection C or E of this section, and who has

23   incurred a prior DWI conviction within ten years of the

24   occurrence for which the person is being sentenced under this

25   section shall have the person's basic sentence increased by

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1   four years for each prior DWI conviction.

2   G. A person who commits homicide by vehicle while

3   violating Section 66-8-113 NMSA 1978 and while driving a stolen

4   vehicle is guilty of a first degree felony and shall be

5   sentenced pursuant to the provisions of Section 31-18-15 NMSA

6   1978; provided that violation of speeding laws as set forth in

7   the Motor Vehicle Code shall not per se be a basis for

8   violation of Section 66-8-113 NMSA 1978.

9   H. A person who commits great bodily harm by

10   vehicle while violating Section 66-8-113 NMSA 1978 and while

11   driving a stolen vehicle is guilty of a second degree felony

12   and shall be sentenced pursuant to the provisions of Section

13   31-18-15 NMSA 1978; provided that violation of speeding laws as

14   set forth in the Motor Vehicle Code shall not per se be a basis

15   for violation of Section 66-8-113 NMSA 1978.

16   [G.] I. For the purposes of this section, "prior

17   DWI conviction" means:

18   (1) a prior conviction under Section 66-8-102

19   NMSA 1978; or

20   (2) a prior conviction in New Mexico or any

21   other jurisdiction, territory or possession of the United

22   States, including a tribal jurisdiction, when the criminal act

23   is driving under the influence of alcohol or drugs.

24   [H.] J. A person who willfully operates a motor

25   vehicle in violation of Subsection C of Section 30-22-1 NMSA

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1978 and directly or indirectly causes the death of or great

bodily harm 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, 2017.

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