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SENATE BILL 721

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO CRIMINAL LAW; CREATING A CRIMINAL OFFENSE KNOWN AS
HARASSMENT BY MOTOR VEHICLE; PRESCRIBING PENALTIES; AMENDING
AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 30-3A-1 NMSA 1978 (being Laws 1997,
Chapter 10, Section 1) is amended to read:

"30-3A-1. SHORT TITLE. -- [~~Sections 1 through 5 of this
act]~~ Chapter 30, Article 3A NMSA 1978 may be cited as the
"Harassment and Stalking Act". "

Section 2. A new section of the Harassment and Stalking
Act is enacted to read:

" NEW MATERIAL HARASSMENT BY MOTOR VEHICLE-- PENALTIES. --

A. Harassment by motor vehicle consists of
knowingly pursuing a pattern of conduct while operating a

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1 motor vehicle that is intended to annoy, seriously alarm or
2 terrorize another person and that serves no lawful purpose.
3 The conduct must be such that it would cause a reasonable
4 person to suffer substantial emotional distress.

5 B. Whoever commits harassment by motor vehicle:

6 (1) is guilty of a misdemeanor; and

7 (2) shall have his driver's license revoked
8 for a period of one year. "

9 Section 3. Section 66-5-29 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 251, as amended) is amended to read:

11 "66-5-29. MANDATORY REVOCATION OF LICENSE BY DIVISION. --

12 A. The division shall immediately revoke the
13 instruction permit, driver's license or provisional license of
14 [any] a driver upon receiving a record of the driver's
15 adjudication as a delinquent for or conviction of any of the
16 following offenses, whether the offense is under any state law
17 or local ordinance, when the conviction or adjudication has
18 become final:

19 (1) manslaughter or negligent homicide
20 resulting from the operation of a motor vehicle;

21 (2) any offense rendering a person a "first
22 offender" as defined in the Motor Vehicle Code, if that person
23 does not attend a driver rehabilitation program pursuant to
24 Subsection E of Section 66-8-102 NMSA 1978;

25 (3) any offense rendering a person a

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1 "subsequent offender" as defined in the Motor Vehicle Code;

2 (4) any felony in the commission of which a
3 motor vehicle is used;

4 (5) failure to stop and render aid as
5 required under the laws of this state in the event of a motor
6 vehicle accident resulting in the death or personal injury of
7 another;

8 (6) harassment by motor vehicle;

9 [~~(6)~~] (7) perjury or the making of a false
10 affidavit or statement under oath to the division under the
11 Motor Vehicle Code or under any other law relating to the
12 ownership or operation of motor vehicles; or

13 [~~(7)~~] (8) conviction or forfeiture of bail
14 not vacated upon three charges of reckless driving committed
15 within a period of twelve months.

16 B. [~~Any~~] A person whose license has been revoked
17 under this section, except as provided in Subsection C, D or E
18 of this section, shall not be entitled to apply for or receive
19 [~~any~~] a new license until the expiration of one year from the
20 date of the last application on which the revoked license was
21 surrendered to and received by the division, if no appeal is
22 filed, or one year from the date that the revocation is final
23 and he has exhausted his rights to an appeal.

24 C. [~~Any~~] A person who upon adjudication as a
25 delinquent or conviction is subject to license revocation

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1 under this section for an offense pursuant to which he was
2 also subject to license revocation pursuant to Section
3 66-8-111 NMSA 1978 shall have his license revoked for that
4 offense for a combined period of time equal to one year.

5 D. Upon receipt of an order from a court pursuant
6 to [~~Subsection J of~~] Section 32A-2-19 NMSA 1978 or Subsection
7 G of Section 32A-2-22 NMSA 1978, the division shall revoke the
8 driver's license or driving privileges for a period of time in
9 accordance with these provisions.

10 E. Upon receipt from a district court of a record
11 of conviction for the offense of shooting at or from a motor
12 vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978
13 or of a conviction for a conspiracy or an attempt to commit
14 that offense, the division shall revoke the driver's
15 [~~licenses~~] license or driving privileges of the convicted
16 person. [~~Any~~] A person whose license or privilege has been
17 revoked pursuant to the provisions of this subsection shall
18 not be entitled to apply for or receive any new license or
19 privilege until the expiration of one year from the date of
20 the last application on which the revoked license was
21 surrendered to and received by the division, if no appeal is
22 filed, or one year from the date that the revocation is final
23 and the person has exhausted his rights to an appeal. "

24 Section 4. EFFECTIVE DATE. -- The effective date of the
25 provisions of this act is July 1, 2001.

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