

SENATE BILL 134

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING THE PENALTY FOR
HOMICIDE BY VEHICLE AND GREAT BODILY INJURY BY VEHICLE;
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~~] second degree felony and shall be sentenced pursuant
5 to the 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

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~~] second
4 degree felony and shall be sentenced pursuant to the
5 provisions of Section 31-18-15 NMSA 1978."

6 Section 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2002.

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