

HOUSE JOINT MEMORIAL 82

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

William "Bill" R. Rehm

A JOINT MEMORIAL

REQUESTING THE NEW MEXICO SENTENCING COMMISSION TO STUDY WAYS  
OF AMENDING THE CRIMINAL CODE TO INCLUDE CONSUMPTION OR  
INGESTION OF AN ILLEGAL DRUG AS POSSESSION OF AN ILLEGAL DRUG.

WHEREAS, use of illegal drugs continues to be a public  
safety, law enforcement, corrections and health problem; and

WHEREAS, persons who use illegal drugs and then drive  
endanger the lives of others on the street just as if they were  
under the influence of alcohol; and

WHEREAS, current state law does not recognize consumption  
or ingestion of an illegal drug as possession of such a drug;  
and

WHEREAS, under current law it is not possible to prosecute  
a driver who is dangerously impaired from ingesting an illegal  
narcotic for possession of an illegal drug even if the narcotic

.161444.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 led directly to a collision;

2 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
3 STATE OF NEW MEXICO that the New Mexico sentencing commission  
4 study means of amending New Mexico statutes to make the results  
5 of blood or other tests indicating a detectable amount of an  
6 illegal drug in a suspect's system as proof of possession of an  
7 illegal drug; and

8 BE IT FURTHER RESOLVED that the executive director of the  
9 New Mexico sentencing commission or the executive director's  
10 designee report to the interim courts, corrections and justice  
11 committee by October 2006 on ways to amend the Criminal Code to  
12 resolve the problem of proving possession of an illegal drug  
13 through blood or other tests; and

14 BE IT FURTHER RESOLVED that the New Mexico sentencing  
15 commission explore and report on the statute defining  
16 possession of a drug to include ingestion of the illegal drug;  
17 and

18 BE IT FURTHER RESOLVED that a copy of this memorial be  
19 transmitted to the executive director of the New Mexico  
20 sentencing commission.

21 - 2 -  
22  
23  
24  
25

.161444.1