

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Antonio Maestas

AN ACT

RELATING TO CRIME; PROVIDING THAT SHOOTING AT A MOTOR VEHICLE  
AND SHOOTING FROM A MOTOR VEHICLE ARE SEPARATE CRIMES;  
PROVIDING PENALTIES.

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

SECTION 1. Section 30-3-8 NMSA 1978 (being Laws 1987,  
Chapter 213, Section 1, as amended) is amended to read:

"30-3-8. SHOOTING AT DWELLING OR OCCUPIED BUILDING--  
SHOOTING AT OR FROM A MOTOR VEHICLE.--

A. Shooting at a dwelling or occupied building  
consists of willfully discharging a firearm at a dwelling or  
occupied building. Whoever commits shooting at a dwelling or  
occupied building that does not result in great bodily harm to  
another person is guilty of a fourth degree felony. Whoever  
commits shooting at a dwelling or occupied building that

underscoring material = new  
[bracketed material] = delete

1 results in injury to another person is guilty of a third degree  
2 felony. Whoever commits shooting at a dwelling or occupied  
3 building that results in great bodily harm to another person is  
4 guilty of a second degree felony.

5 B. Shooting ~~[at or]~~ from a motor vehicle consists  
6 of willfully discharging a firearm ~~[at or]~~ from a motor vehicle  
7 with reckless disregard for the person of another. Whoever  
8 commits shooting ~~[at or]~~ from a motor vehicle that does not  
9 result in ~~[great bodily harm]~~ injury to another person is  
10 guilty of a ~~[fourth]~~ third degree felony. Whoever commits  
11 shooting ~~[at or]~~ from a motor vehicle that results in injury to  
12 another person is guilty of a ~~[third]~~ second degree felony.  
13 ~~[Whoever commits shooting at or from a motor vehicle that~~  
14 ~~results in great bodily harm to another person is guilty of a~~  
15 ~~second degree felony.]~~

16 C. Shooting at a motor vehicle consists of  
17 willfully discharging a firearm at a motor vehicle with  
18 reckless disregard for the person of another. Whoever commits  
19 shooting at a motor vehicle is guilty of a second degree  
20 felony.

21 ~~[C.]~~ D. This section shall not apply to a law  
22 enforcement officer discharging a firearm in the lawful  
23 performance of ~~[his]~~ the officer's duties."

24 SECTION 2. Section 30-3-8.1 NMSA 1978 (being Laws 1993,  
25 Chapter 78, Section 2, as amended) is amended to read:

.226608.2

underscored material = new  
[bracketed material] = delete

1 "30-3-8.1. SEIZURE AND FORFEITURE OF MOTOR VEHICLE--  
2 PROCEDURE.--

3 A. A motor vehicle shall be subject to seizure and  
4 forfeiture when the vehicle is used or intended for use in the  
5 commission of the offense of shooting at a motor vehicle or  
6 shooting from a motor vehicle pursuant to [~~Subsection B of~~]  
7 Section 30-3-8 NMSA 1978.

8 B. The provisions of the Forfeiture Act apply to  
9 the seizure, forfeiture and disposal of a motor vehicle subject  
10 to forfeiture pursuant to Subsection A of this section."

11 SECTION 3. Section 30-3-8.2 NMSA 1978 (being Laws 1993,  
12 Chapter 78, Section 3) is amended to read:

13 "30-3-8.2. COURT RECORD OF CONVICTION--REVOCATION OF  
14 DRIVER'S LICENSE.--Upon a conviction for the offense of  
15 shooting at a motor vehicle or shooting from a motor vehicle  
16 pursuant to [~~Subsection B of~~] Section 30-3-8 NMSA 1978 or of a  
17 conviction for a conspiracy or attempt to commit [~~that~~] either  
18 offense, the district court shall send a record of the  
19 conviction to the motor vehicle division of the taxation and  
20 revenue department. The division shall immediately revoke the  
21 driver's licenses or driving privileges of all persons  
22 convicted of the offense of shooting at a motor vehicle or  
23 shooting from a motor vehicle or convicted of conspiring or  
24 attempting to commit [~~that~~] either offense, pursuant to the  
25 provisions of Subsection E of Section 66-5-29 NMSA 1978."

.226608.2

underscoring material = new  
~~[bracketed material] = delete~~

1           SECTION 4. Section 31-18-23 NMSA 1978 (being Laws 1994,  
2 Chapter 24, Section 2, as amended) is amended to read:

3           "31-18-23. THREE VIOLENT FELONY CONVICTIONS--MANDATORY  
4 LIFE IMPRISONMENT--EXCEPTION.--

5           A. When a defendant is convicted of a third violent  
6 felony, and each violent felony conviction is part of a  
7 separate transaction or occurrence, and at least the third  
8 violent felony conviction is in New Mexico, the defendant  
9 shall, in addition to the sentence imposed for the third  
10 violent felony conviction, be punished by a sentence of life  
11 imprisonment. The life imprisonment sentence shall be subject  
12 to parole pursuant to the provisions of Section 31-21-10 NMSA  
13 1978.

14           B. The sentence of life imprisonment shall be  
15 imposed after a sentencing hearing, separate from the trial or  
16 guilty plea proceeding resulting in the third violent felony  
17 conviction, pursuant to the provisions of Section 31-18-24 NMSA  
18 1978.

19           C. For the purpose of this section, a violent  
20 felony conviction incurred by a defendant before the defendant  
21 reaches the age of eighteen shall not count as a violent felony  
22 conviction.

23           D. When a defendant has a felony conviction from  
24 another state, the felony conviction shall be considered a  
25 violent felony for the purposes of the Criminal Sentencing Act  
.226608.2

underscored material = new  
[bracketed material] = delete

1 if that crime would be considered a violent felony in New  
2 Mexico.

3 E. As used in the Criminal Sentencing Act:

4 (1) "great bodily harm" means an injury to the  
5 person that creates a high probability of death or that causes  
6 serious disfigurement or that results in permanent loss or  
7 impairment of the function of any member or organ of the body;  
8 and

9 (2) "violent felony" means:

10 (a) murder in the first or second  
11 degree, as provided in Section 30-2-1 NMSA 1978;

12 (b) shooting at a motor vehicle or  
13 shooting from a motor vehicle [~~resulting in great bodily harm~~],  
14 as provided in [~~Subsection B of~~] Section 30-3-8 NMSA 1978;

15 (c) kidnapping resulting in [~~great~~  
16 ~~bodily harm~~] physical injury or a sexual offense inflicted upon  
17 the victim by the victim's captor, as provided in Subsection B  
18 of Section 30-4-1 NMSA 1978;

19 (d) criminal sexual penetration, as  
20 provided in Subsection C or D or Paragraph (5) or (6) of  
21 Subsection E of Section 30-9-11 NMSA 1978; and

22 (e) robbery while armed with a deadly  
23 weapon resulting in great bodily harm as provided in Section  
24 30-16-2 NMSA 1978 and Subsection A of Section 30-1-12 NMSA  
25 1978."

underscoring material = new  
~~[bracketed material] = delete~~

1           SECTION 5. Section 66-5-29 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 251, as amended) is amended to read:

3           "66-5-29. MANDATORY REVOCATION OF LICENSE BY DIVISION.--

4           A. The division shall immediately revoke the  
5 driving privilege or driver's license of a driver upon  
6 receiving a record of the driver's adjudication as a delinquent  
7 for or conviction of any of the following offenses, whether the  
8 offense is under any state law or local ordinance, when the  
9 conviction or adjudication has become final:

- 10                   (1) manslaughter or negligent homicide
- 11                   resulting from the operation of a motor vehicle;
- 12                   (2) any offense rendering a person a "first
- 13                   offender" as defined in the Motor Vehicle Code;
- 14                   (3) any offense rendering a person a
- 15                   "subsequent offender" as defined in the Motor Vehicle Code;
- 16                   (4) any felony in the commission of which a
- 17                   motor vehicle is used;
- 18                   (5) failure to stop and render aid as required
- 19                   under the laws of this state in the event of a motor vehicle
- 20                   accident resulting in the death or personal injury of another;
- 21                   (6) perjury or the making of a false affidavit
- 22                   or statement under oath to the division under the Motor Vehicle
- 23                   Code or under any other law relating to the ownership or
- 24                   operation of motor vehicles; or
- 25                   (7) conviction or forfeiture of bail not

.226608.2

underscoring material = new  
~~[bracketed material] = delete~~

1 vacated upon three charges of reckless driving committed within  
2 a period of twelve months.

3 B. Except as provided in the Ignition Interlock  
4 Licensing Act and in Subsection C, D, E or F of this section, a  
5 person whose driving privilege or driver's license has been  
6 revoked under this section shall not be entitled to apply for  
7 or receive a new license until one year from the date that the  
8 conviction is final and all rights to an appeal have been  
9 exhausted.

10 C. A person who upon adjudication as a delinquent  
11 for driving while under the influence of intoxicating liquor or  
12 drugs or a conviction pursuant to Section 66-8-102 NMSA 1978 is  
13 subject to revocation of the driving privilege or driver's  
14 license under this section for an offense pursuant to which the  
15 person was also subject to revocation of the driving privilege  
16 or driver's license pursuant to Section 66-8-111 NMSA 1978  
17 shall have the person's driving privilege or driver's license  
18 revoked for that offense for a combined period of time equal  
19 to:

20 (1) one year for a first offender; or

21 (2) for a subsequent offender:

22 (a) two years for a second conviction;

23 (b) three years for a third conviction;

24 or

25 (c) the remainder of the offender's life

.226608.2

underscored material = new  
[bracketed material] = delete

1 for a fourth or subsequent conviction, subject to a five-year  
2 review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

3 D. The division shall apply the license revocation  
4 provisions of Subsection C of this section and the provisions  
5 of Subsection D of Section 66-5-5 NMSA 1978 to a person who was  
6 three or more times convicted of driving a motor vehicle under  
7 the influence of intoxicating liquor or drugs and who has a  
8 driver's license revocation pursuant to the law in effect prior  
9 to June 17, 2005, upon the request of the person and if the  
10 person has had an ignition interlock license for three years or  
11 more and has proof from the ignition interlock vendor of no  
12 violations of the ignition interlock device in the previous six  
13 months.

14 E. Upon receipt of an order from a court pursuant  
15 to Section 32A-2-19 NMSA 1978 or Subsection G of Section  
16 32A-2-22 NMSA 1978, the division shall revoke the driver's  
17 license or driving privileges for a period of time in  
18 accordance with these provisions.

19 F. Upon receipt from a district court of a record  
20 of conviction for the offense of shooting at a motor vehicle or  
21 shooting from a motor vehicle pursuant to [~~Subsection B of~~]  
22 Section 30-3-8 NMSA 1978 or of a conviction for a conspiracy or  
23 an attempt to commit [~~that~~] either offense, the division shall  
24 revoke the driver's license or driving privileges of the  
25 convicted person. A person whose driver's license or driving

.226608.2



underscoring material = new  
~~[bracketed material] = delete~~

1 privilege has been revoked pursuant to the provisions of this  
2 subsection shall not be entitled to apply for or receive any  
3 new driver's license or driving privilege until one year from  
4 the date that the conviction is final and all rights to an  
5 appeal have been exhausted."

6 - 9 -  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25