

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/10/25 *Check all that apply:*
Bill Number: HB 321 Original Correction
 Amendment Substitute

Sponsor: Rep. Stefani Lord **Agency Name and Code** AOC 218
 Rep. John Block **Number:** _____
Short Title: Penalty for Careless Driving & Death **Person Writing** Charlene Romero
Phone: 505-490-5149 **Email** aoccar@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 321 amends Section 66-8-114 NMSA 1978, within the Motor Vehicle Code and governing careless driving, to provide a misdemeanor penalty under Section 31-19-1 NMSA 1978 for careless driving that results in death or great bodily harm of another.

The effective date of the Act is July 1, 2025.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

Increased penalties are likely to result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

SIGNIFICANT ISSUES

Section 66-8-114(B) 1978 defines a violation of careless driving as a misdemeanor. Per Section 66-8-7 NMSA 1978, the penalty for a misdemeanor violation of the Motor Vehicle Code consists of a fine of not more than \$300, imprisonment of not more than 90 days, or both. HB 321's new Subsection C provides a misdemeanor penalty under Section 31-19-1 NMSA 1978 for careless driving that results in death or great bodily harm of another, consisting of a definite term of imprisonment of less than one year or the payment of a fine of not more than one thousand dollars (\$1,000), or both.

The proposed increased penalties under Section 31-19-1 NMSA 1978 for careless driving resulting in death or great bodily harm may result in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. There may also be an increase in appeals.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 154 includes Careless Driving, Section 66-8-114 NMSA 1978, as one of the charges that the court cannot defer a sentence for if the defendant has had a sentence for a moving traffic violation deferred within the past year.

SB 265 also amends the penalties for Careless Driving, Section 66-8-114 NMSA 1978.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS