



**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | <b>FY25</b> | <b>FY26</b> | <b>FY27</b> | <b>3 Year<br/>Total Cost</b> | <b>Recurring or<br/>Nonrecurring</b> | <b>Fund<br/>Affected</b> |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| <b>Total</b> |             |             |             |                              |                                      |                          |

(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:

The bill increases the potential penalty for the crime of careless driving that results in death or great bodily of another. Currently, conviction for all careless driving is a traffic code misdemeanor punishable by up to ninety days in jail and/or a \$300 fine per 1978 section 66-8-7. The bill would change the penalty for careless driving that results in death or great bodily to be up to one year in jail and/or a \$1000 fine under 1978 section 31-19-1 NMSA. The bill also includes a definition of “great bodily harm” as “an injury to another person that creates a high probability of death, that causes serious disfigurement or that results in permanent loss or impairment of the function of any member or organ of the body.”

**FISCAL IMPLICATIONS**

Minimal. The increase in potential maximum sentence from ninety days to one year in jail should not significantly impact the costs of representing people charged with this offense, even though any increase in penalties might tend to increase litigation somewhat.

**SIGNIFICANT ISSUES**

New Mexico already criminalizes vehicular homicide committed by *reckless* driving. NMSA 1978, § 66-8-101, and punishes it as a third degree felony. Careless driving represents mere negligence, the lowest mental culpability outside of strict liability. If a car accident results in death and a person was not driving recklessly—a higher level of mental culpability often described as “criminal negligence”—they should not be criminally liable for the death. Those unfortunate car accidents are remedied by civil tort law, which is properly designed to account for contributory negligence, joint and several liability when multiple drivers were involved, and calculating and apportioning of actual monetary damages. The criminal system is not designed to make families feel whole or to “remedy” a wrongful death. It serves to punish and deter culpable conduct. Although this bill proposes a misdemeanor crime rather than a felony, careless driving resulting in death simply is not criminal at its core.

**PERFORMANCE IMPLICATIONS**

**None.**

**ADMINISTRATIVE IMPLICATIONS**

**None.**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**None.**

**TECHNICAL ISSUES**

**None.**

**OTHER SUBSTANTIVE ISSUES**

**None.**

**ALTERNATIVES**

**None.**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**Status quo.**

**AMENDMENTS**

**None.**