

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](https://agencyanalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** February 10, 2025 *Check all that apply:*  
**Bill Number:** HB 321 Original  Correction    
Amendment  Substitute

**Sponsor:** Lord/Block **Agency Name and Code Number:** NM Sentencing Commission – 354  
**Short Title:** Penalty for Careless Driving & Death **Person Writing:** Keri Thiel  
**Phone:** 505-259-8763 **Email:** kthiel@unm.edu

**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
<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:

HB 321 amends Section 66-8-114 NMSA 1978, regarding careless driving, to create a separate penalty for careless driving when it results in death or great bodily harm of another and to make the penalty for that offense a misdemeanor punishable in accordance with Section 31-19-1 NMSA 1978.

The bill provides a definition of “great bodily harm”, and an effective date of July 1, 2025.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

Under the current law, careless driving that results in death or great bodily harm is not distinguished from other careless driving and is a misdemeanor punishable as provided in Section 66-8-7 NMSA 1978 (a.k.a. a ‘traffic code misdemeanor’). The penalty for traffic code misdemeanors is a fine of up to \$300 and/or imprisonment for up to 90 days.

Under HB 321, the penalty for careless driving that results in death or great bodily harm would be a misdemeanor punishable under the Criminal Code, as described in Section 31-19-1 NMSA 1978. That penalty consists of a fine of up to \$1000 and/or imprisonment for less than one year.

Since July 1, 2023, a total of 1,923 violations of Section 66-8-114 NMSA 1978 (the careless driving statute) have been adjudicated. Of those, 39.6% (762) resulted in a finding of guilt. Since the current statute does not differentiate between careless driving that results in death or great bodily harm and other careless driving, we do not have data regarding how many of these violations resulted in death or great bodily harm. Thus, it is difficult to determine what the effect of passing HB 321 would be on the state’s jail population, although it is likely that at least some people would receive longer jail sentences under the law as proposed by HB 321.

#### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

#### **TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**AMENDMENTS**