

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 35

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

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--SHOOTING AT 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

underscored material = new
[bracketed material] = delete

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

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

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

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

25 SECTION 2. Section 30-3-8.1 NMSA 1978 (being Laws 1993,
.229800.1GLG

underscored material = new
[bracketed material] = delete

1 Chapter 78, Section 2, as amended) is amended to read:

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

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

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

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

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

.229800.1GLG

underscored material = new
[bracketed material] = delete

1 provisions of Subsection E of Section 66-5-29 NMSA 1978."

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

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

6 A. When a defendant is convicted of a third violent
7 felony, and each violent felony conviction is part of a
8 separate transaction or occurrence, and at least the third
9 violent felony conviction is in New Mexico, the defendant
10 shall, in addition to the sentence imposed for the third
11 violent felony conviction, be punished by a sentence of life
12 imprisonment. The life imprisonment sentence shall be subject
13 to parole pursuant to the provisions of Section 31-21-10 NMSA
14 1978.

15 B. The sentence of life imprisonment shall be
16 imposed after a sentencing hearing, separate from the trial or
17 guilty plea proceeding resulting in the third violent felony
18 conviction, pursuant to the provisions of Section 31-18-24 NMSA
19 1978.

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

24 D. When a defendant has a felony conviction from
25 another state, the felony conviction shall be considered a

.229800.1GLG

underscored material = new
[bracketed material] = delete

1 violent felony for the purposes of the Criminal Sentencing Act
2 if that crime would be considered a violent felony in New
3 Mexico.

4 E. As used in the Criminal Sentencing Act:

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

10 (2) "violent felony" means:

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

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

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

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

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

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

1 1978."

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

4 "66-5-29. MANDATORY REVOCATION OF LICENSE BY DIVISION.--

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

11 (1) manslaughter or negligent homicide
12 resulting from the operation of a motor vehicle;

13 (2) any offense rendering a person a "first
14 offender" as defined in the Motor Vehicle Code;

15 (3) any offense rendering a person a
16 "subsequent offender" as defined in the Motor Vehicle Code;

17 (4) any felony in the commission of which a
18 motor vehicle is used;

19 (5) failure to stop and render aid as required
20 under the laws of this state in the event of a motor vehicle
21 accident resulting in the death or personal injury of another;

22 (6) perjury or the making of a false affidavit
23 or statement under oath to the division under the Motor Vehicle
24 Code or under any other law relating to the ownership or
25 operation of motor vehicles; or

.229800.1GLG

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

1 (7) conviction or forfeiture of bail not
2 vacated upon three charges of reckless driving committed within
3 a period of twelve months.

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

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

- 21 (1) one year for a first offender; or
22 (2) for a subsequent offender:
23 (a) two years for a second conviction;
24 (b) three years for a third conviction;

25 or

.229800.1GLG

underscored material = new
[bracketed material] = delete

1 (c) the remainder of the offender's life
2 for a fourth or subsequent conviction, subject to a five-year
3 review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

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

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

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

.229800.1GLG

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

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

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