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HOUSE BILL 62

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

INTRODUCED BY

Andrea Reeb

AN ACT

RELATING TO TRAFFIC OFFENSES; PROVIDING FOR TESTIMONY BY
INTERACTIVE VIDEO; PROVIDING FOR IMPLIED CONSENT TO A
LABORATORY ANALYST'S APPEARANCE BY VIDEO.

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

SECTION 1. A new section of the Implied Consent Act is
enacted to read:

"[NEW MATERIAL] PROCEDURE--VIDEO APPEARANCE.--If a party
subpoenas an analyst to testify at a court proceeding for any
purpose, the analyst may appear by interactive video. An
interactive video appearance shall provide a full and
meaningful opportunity to question and cross-examine the
witness in plain sight and clear hearing of the judge, jury,
all parties and counsel, with the witness able to clearly see
and hear the proceeding."

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1 SECTION 2. Section 66-8-107 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 515, as amended) is amended to read:

3 "66-8-107. IMPLIED CONSENT TO SUBMIT TO CHEMICAL TEST--
4 COURT APPEARANCE BY VIDEO.--

5 A. Any person who operates a motor vehicle within
6 this state shall be deemed to have given consent, subject to
7 the provisions of the Implied Consent Act, to chemical tests of
8 [~~his~~] that person's breath or blood or both, approved by the
9 scientific laboratory division of the department of health
10 pursuant to the provisions of Section 24-1-22 NMSA 1978 as
11 determined by a law enforcement officer, or for the purpose of
12 determining the drug or alcohol content of [~~his~~] the person's
13 blood if the person is arrested for any offense arising out of
14 the acts alleged to have been committed while the person was
15 driving a motor vehicle while under the influence of an
16 intoxicating liquor or drug.

17 B. A test of blood or breath or both, approved by
18 the scientific laboratory division of the department of health
19 pursuant to the provisions of Section 24-1-22 NMSA 1978, shall
20 be administered at the direction of a law enforcement officer
21 having reasonable grounds to believe the person to have been
22 driving a motor vehicle within this state while under the
23 influence of an intoxicating liquor or drug.

24 C. If a laboratory analyst is subpoenaed to testify
25 at a court proceeding about chemical testing that the analyst

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1 performed pursuant to this section, the defendant shall be
2 deemed to have given consent to the analyst's appearance by
3 means of interactive video."

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