

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: 10FEB 2025 *Check all that apply:*
Bill Number: HB321 Original Correction
 Amendment Substitute

Sponsor: Stefani Lord, John Block **Agency Name and Code** 790 – Department of Public Safety
Short Title: Penalty for Careless Driving and Death **Number:** _____
Person Writing Carolyn N. Huynh
Phone: 5056812861 **Email** Carolynn.huynh@dps.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Identical to 2023 HB339
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Creates a higher level of careless driving with a higher penalty: careless driving that results in death or great bodily harm to another constitutes a misdemeanor and carries a penalty of imprisonment in the county jail for a definite term less than one year or a fine of no more than \$1,000, or both. Defines great bodily harm as an injury that creates a high probability of death, that causes serious disfigurement or that causes loss of function of any member or organ of the body.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS.

UJI 14-131 defines “great bodily harm” as “an injury to a person which [creates a high probability of death] [or] [results in serious disfigurement] [or] [results in loss of any member or organ of the body] [or] [results in permanent or prolonged impairment of the use of any member or organ of the body].” The definition in this bill deviates from this current uniform jury instruction definition and actually is more limiting than the current definition.

The bill language should use “great bodily injury” (which has the same definition as above) to follow the language used in the crimes of homicide by vehicle and great bodily injury by vehicle found in NMSA 1978, Section 66-8-101.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

This bill is much needed. As the law currently stands, there is no crime for situations when someone is driving a motor vehicle carelessly and kills or causes great bodily injury to someone else. Should an offender kill someone or cause great bodily injury not while driving while under the influence or while driving recklessly, the offender faces the same 90 days of possible jail time and \$500 fine that an offender would have had someone not been killed or injured. This is a huge gap in the law that has desperately needed filling for the victims of these crimes and their families. It further victimizes them to have to tell them that the people who killed or harmed them or their family member are subject to so small of a penalty for the devastation caused and the lives forever changed.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

The sponsors could consider making the penalty a fourth-degree felony as opposed to a misdemeanor.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.