



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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

SB 154 enacts a new section of the Motor Vehicle Code, Section 66-8-142, to prohibit the deferral of a sentence for a moving traffic violation if the offender has received a deferred sentence for a moving traffic violation within the past year. The bill provides a definition for a “moving traffic violation”, which includes the following offenses under the Motor Vehicle Code:

- Failure to obey traffic-control devices;
- Failure to obey traffic-control signals;
- Speeding;
- Failure to yield;
- Reckless driving;
- Careless driving;
- Racing on highways.

SB 154 also makes conforming changes to Section 31-20-3 NMSA 1978, regarding deferring or suspending a sentence.

The bill contains an applicability clause (Section 3) that specifies that it does not apply retroactively, as well as 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**

SB 154 does not specify how to determine whether a person has received a deferred sentence “within the past year” – i.e., whether the time is measured from (and to) the date of the deferred disposition or the date of the offense.

It is also unclear whether SB 154’s applicability clause applies to both the new offense and the previous (deferred) disposition, or if deferred dispositions that occurred before the bill’s effective date could be used to prevent a deferred sentence for any moving traffic violation incurred after the bill’s effective date.

In FY 2024, there were a total of 46,190 dispositions for the traffic offenses listed in SB 154. Of these, just over 40% (18,686) received a deferred disposition. It is difficult to determine how many deferrals would be prevented by SB 154, but the vast majority (91.6%) of the total dispositions for traffic offenses listed in SB 154 were for violations of Section 66-7-301

(speeding), which carries fines but no jail time.

**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**