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SENATE BILL 154

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

INTRODUCED BY
Antonio Maestas

AN ACT

RELATING TO MOTOR VEHICLES; LIMITING A COURT'S ABILITY TO DEFER
THE SENTENCE OF A PERSON WHO COMMITS A MOVING TRAFFIC
VIOLATION.

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

SECTION 1. A new section of the Motor Vehicle Code,
Section 66-8-142 NMSA 1978, is enacted to read:

"66-8-142. [NEW MATERIAL] MOVING TRAFFIC VIOLATIONS--
DEFERRED SENTENCES.--

A. A court shall not defer the sentence of a person
who commits a moving traffic violation if that person has,
within the past year, had the sentence for a moving traffic
violation deferred.

B. As used in this section, a "moving traffic
violation" means:

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1 (1) failure to obey traffic-control devices,
2 as provided in Section 66-7-104 NMSA 1978;

3 (2) failure to obey traffic-control signals,
4 as provided in Section 66-7-105 NMSA 1978;

5 (3) speeding, as provided in Section 66-7-301
6 NMSA 1978;

7 (4) failure to yield, as provided in Sections
8 66-7-328 through 66-7-332.1 NMSA 1978;

9 (5) reckless driving, as provided in Section
10 66-8-113 NMSA 1978;

11 (6) careless driving, as provided in Section
12 66-8-114 NMSA 1978; or

13 (7) racing on highways, as provided in Section
14 66-8-115 NMSA 1978."

15 SECTION 2. Section 31-20-3 NMSA 1978 (being Laws 1963,
16 Chapter 303, Section 29-15, as amended) is amended to read:

17 "31-20-3. ORDER DEFERRING OR SUSPENDING SENTENCE--
18 DIAGNOSTIC COMMITMENT.--Except as provided in Section 66-8-142
19 NMSA 1978, upon entry of a judgment of conviction of any crime
20 not constituting a capital or first degree felony, any court
21 having jurisdiction, when it is satisfied that the ends of
22 justice and the best interest of the public as well as the
23 defendant will be served thereby, may either:

24 A. enter an order deferring the imposition of
25 sentence;

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1 B. sentence the defendant and enter an order
2 suspending in whole or in part the execution of the sentence;
3 or

4 C. commit the convicted person, if convicted of a
5 felony and not committed for diagnostic purposes within the
6 twelve-month period immediately preceding that conviction, to
7 the [~~department of~~] corrections department for an indeterminate
8 period not to exceed sixty days for purposes of diagnosis, with
9 direction that the court be given a report when the diagnosis
10 is complete as to what disposition appears best when the
11 [~~interest~~] interests of the public and the individual are
12 evaluated."

13 SECTION 3. APPLICABILITY.--The provisions of this act
14 apply to violations of traffic laws that occur on or after the
15 effective date of this act.

16 SECTION 4. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2025.