

LFC Requester:	
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date Jan. 13, 2019
Bill No: HB109

Sponsor: William "Bill" R. Rehm
Short Title: Careless Driving Penalty

Agency Code: 264
Person Writing Gail MacQuesten
Phone: 505 466-0532 **Email** gailmacquesten@gmail.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
0	0	0	n/a	n/a

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	minimal	minimal	minimal	recurring	general

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB109 amends Section 66-8-114 NMSA 1978, the statute governing careless driving, to impose a higher penalty if the careless driving results in death or great bodily harm of another.

“Great bodily harm” is defined by HB109 as an injury to another person that create a high probability of death, that causes serious disfigurement or that results in permanent loss or impairment of the function of any member or organ of the body.

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.

There are minimal fiscal implications for the district attorneys. A careless driving case that involves death or great bodily injury will require the prosecutor to prove additional elements.

If HB109 is enacted, defendants who cause death or great bodily harm through careless driving will face longer periods of incarceration, and they may be placed on probation. Increased incarceration and an increase in terms of probation will increase costs to the state.

SIGNIFICANT ISSUES

Under current law, careless driving is a misdemeanor under the Motor Vehicle Code, punishable by a fine of not more than \$300 or 90 days in prison, or both.

HB109 amends the statute to provide higher penalties if the careless driving results in death or great bodily harm of another. In that situation, the crime remains a misdemeanor, but it is punished in accordance with the Criminal Code, which provides for a fine of not more than \$1000 or a term of less than one year, or both. If the court defers or suspends the sentence it must put the defendant on supervised or unsupervised probation for all or some of the period of deferment or suspension.

PERFORMANCE IMPLICATIONS

In careless driving cases involving death or great bodily harm, the prosecution will need to prove additional elements.

ADMINISTRATIVE IMPLICATIONS

There will not be significant administrative implications for the district attorneys.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Careless driving will remain a misdemeanor under the Motor Vehicle Code, punishable by a fine of not more than \$300 or 90 days in prison, or both.

AMENDMENTS

None proposed.