

1 SENATE BILL 288

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Ron Griggs

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10 AN ACT

11 RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR
12 OR DRUGS; INCREASING PENALTIES FOR DRIVING WHILE UNDER THE
13 INFLUENCE OF INTOXICATING LIQUOR OR DRUGS ON A LICENSE
14 SUSPENDED OR REVOKED FOR DRIVING UNDER THE INFLUENCE OF
15 INTOXICATING LIQUOR OR DRUGS; CLARIFYING THE ELEMENTS FOR
16 PERMITTING AN UNAUTHORIZED PERSON TO DRIVE FOR DRIVERS DRIVING
17 ON A LICENSE REVOKED FOR DRIVING UNDER THE INFLUENCE OF
18 INTOXICATING LIQUOR OR DRUGS; PROVIDING FOR PENALTIES.

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

21 SECTION 1. A new Section 66-5-39.2 NMSA 1978 is enacted
22 to read:

23 "66-5-39.2. [NEW MATERIAL] INCREASED PENALTY FOR DRIVING
24 WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS ON A
25 LICENSE SUSPENDED OR REVOKED FOR DRIVING UNDER THE INFLUENCE OF

.196181.1

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1 INTOXICATING LIQUOR OR DRUGS.--Notwithstanding any other
2 provision of law for suspension or deferment of execution of a
3 sentence, if the person's privilege to drive was revoked or
4 suspended for driving while under the influence of intoxicating
5 liquor or drugs or a violation of the Implied Consent Act, and
6 if the person is convicted of driving with a suspended license
7 pursuant to Section 66-5-39 NMSA 1978 or driving with a revoked
8 license under Section 66-5-39.1 NMSA 1978 and the driving
9 offense for which the person was convicted is driving while
10 under the influence of intoxicating liquor or drugs, then that
11 person is guilty of a fourth degree felony and shall be
12 sentenced pursuant to the provisions of Section 31-18-15 NMSA
13 1978, and the fine and imprisonment shall not be suspended,
14 deferred or taken under advisement."

15 SECTION 2. Section 66-5-41 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 263) is amended to read:

17 "66-5-41. PERMITTING UNAUTHORIZED PERSON TO DRIVE.--

18 A. No person shall authorize or knowingly permit a
19 motor vehicle owned by ~~[him]~~ the person or under ~~[his]~~ the
20 person's control to be driven upon any highway by ~~[any person]~~
21 another who the person knows or should have known is not
22 authorized ~~[hereunder or is in violation of any of the~~
23 ~~provisions of this article]~~ under the Motor Vehicle Code.

24 B. If a person authorizes or knowingly permits a
25 motor vehicle owned by that person or under that person's

underscoring material = new
~~[bracketed material] = delete~~

1 control to be driven upon any highway by another whom the
2 person reasonably should have known has a license that, at the
3 time the authorization or permission is given, was revoked for
4 driving under the influence of intoxicating liquor or drugs,
5 and if the person to whom authorization or permission was given
6 is arrested for driving under the influence of intoxicating
7 liquor or drugs, then the person who gave the authorization or
8 permission may be charged as a party to the crime of driving
9 with a revoked license pursuant to Sections 66-5-39.1 and
10 66-8-120 NMSA 1978."

11 SECTION 3. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2014.