



Select New Mexico Mandatory Minimum Laws

IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.

DUI Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 66-8-102(F)(1)	Second conviction of driving under the influence of intoxicating liquors or drugs that render the person incapable of safely driving a vehicle	96 Hours
§ 66-8-102(F)(2)	Third conviction of driving under the influence of intoxicating liquors or drugs that render the person incapable of safely driving a vehicle	30 Days
§ 66-8-102(F)(2)	Aggravated driving* under the influence of intoxicating liquors or drugs that render the person incapable of safely driving a vehicle, with two prior convictions for driving under the influence	60 Days
§ 66-8-102(G)	Fourth conviction of driving under the influence of intoxicating liquors or drugs that render the person incapable of safely driving a vehicle	6 Months
§ 66-8-102(H)	Fifth conviction of driving under the influence of intoxicating liquors or drugs that render the person incapable of safely driving a vehicle	1 Year
§ 66-8-102(I)	Sixth conviction of driving under the influence of intoxicating liquors or drugs that render the person incapable of safely driving a vehicle	18 Months
§ 66-8-102(J)	Seventh or subsequent conviction of driving under the influence of intoxicating liquors or drugs that render the person incapable of safely driving a vehicle	2 Years

*Aggravated driving under the influence consists of: (1) driving a vehicle with an alcohol concentration of .16 or more within three hours of driving the vehicle; (2) causing bodily injury to a human being as a result of driving under the influence; (3) refusing to submit to chemical testing while under the influence of intoxicating liquor or drugs. Please see § 66-8-102(D)(1)-(3), available at <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>.

Weapons Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 31-18-16(A)	Use of a firearm in the commission of a noncapital felony	1 Year
§ 31-18-16(B)	Second or subsequent conviction of a noncapital felony in which a firearm is used	3 Years



Sex Offenses

Code Section	Offense	Mandatory Minimum Sentence
§ 30-9-11(E)	Criminal sexual penetration in the second degree of a child between the ages of 13 – 18	3 Years
§ 30-9-13(B)	Criminal sexual conduct of a minor in the second degree. This conduct includes all criminal sexual contact of the unclothed intimate parts of a minor perpetrated: <ul style="list-style-type: none"> (1) on a child under age 13; or (2) on a child 13 to 18 years of age when: <ul style="list-style-type: none"> - the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit; - the perpetrator uses force or coercion that results in personal injury to the child; - the perpetrator uses force or coercion and is aided or abetted by one or more persons; or - the perpetrator is armed with a deadly weapon. 	3 Years

Habitual Offenders

Under New Mexico § 31-18-17(A), an individual convicted of a noncapital felony in the state Criminal Code or Controlled Substances Act who has incurred one or more prior felony conviction as parts of separate transactions or occurrences is a habitual offender. Habitual offenders receive mandatory enhanced sentences, which are listed below.

Code Section	Offense	Mandatory Minimum Sentence
§ 31-18-17(A)	Commission of a noncapital felony with one prior felony conviction*	1 Year†
§ 31-18-17(B)	Commission of a noncapital felony with two prior felony convictions*	4 Years
§ 31-18-17(C)	Commission of a noncapital felony with three or more prior felony convictions*	8 Years

*Prior felony conviction is defined in § 31-18-17(D)(1)-(2), available at <http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0>.

†This sentence is subject to a safety valve. See New Mexico Safety Valves at FAMM's website, www.famm.org.