

December 23, 2010

Tis the Season: DWI and Felony Child Abuse in New Mexico

The holiday season is a joyous time of year when people get together and celebrate. It's important to remember if you're going to drink, do it responsibly. New Mexico is serious about keeping drunk drivers off the road. Law enforcement is aware people will be drinking and driving during this time of year so they are quite busy, by performing super blitzes and added DWI checkpoints.

This is something to keep in mind this holiday season as it happens far too frequently good people get arrested for DWI. When going to holiday parties make sure there is a designated driver if you plan to consume alcohol. Any alcohol!

This is especially important if you bring the kids to the holiday party. When a person is charged with DWI and a child is in the car, the driver will routinely face a charge of negligent child abuse in addition to the DWI charge.

Negligent child abuse is a third degree felony. Typically officers will charge one count of felony child abuse if there are one or more children in the vehicle. However, it is possible that a separate count of felony child abuse could be charged for each child.

DWI charges are disastrous in their own right. Felony child abuse is far worse. For first time offenders, it is a third degree felony. For second and subsequent offenses, it is a second degree felony. In the event the child is injured, it's a first degree felony.

If convicted of DWI, it is fairly simple to get a conviction of felony child abuse. The reasoning behind the charge is adults are putting children in a situation that may endanger the child's safety. The consequences of a felony conviction are severe. A basic sentence for a third degree felony is imprisonment for three (3) years and a fine not to exceed five thousand dollars (\$5,000). It gets far worse for 2nd and 3rd degree felonies. These charges and penalties are in addition to the DWI fees and fines which are steep in themselves.

Have a happy and safe holiday season with your family. If you drink, do not drive!

DISCLAIMER

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