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HOUSE BILL 48

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000

INTRODUCED BY

Dara Dana

AN ACT

RELATING TO CRIMINAL SENTENCING; AMENDING THE DEFINITION OF
"VIOLENT FELONY" FOR THE PURPOSE OF SENTENCING A PERSON
CONVICTED OF THREE VIOLENT FELONIES TO A TERM OF LIFE
IMPRISONMENT.

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

Section 1. Section 31-18-23 NMSA 1978 (being Laws 1994,
Chapter 24, Section 2, as amended) is amended to read:

"31-18-23. THREE VIOLENT FELONY CONVICTIONS--MANDATORY
LIFE IMPRISONMENT--EXCEPTION.--

A. When a defendant is convicted of a third
violent felony, and each violent felony conviction is part of
a separate transaction or occurrence, and at least the third
violent felony conviction is in New Mexico, the defendant
shall, in addition to the sentence imposed for the third
violent conviction when that sentence does not result in
death, be punished by a sentence of life imprisonment. The

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1 life imprisonment sentence shall be subject to parole
2 pursuant to the provisions of Section 31-21-10 NMSA 1978.

3 B. The sentence of life imprisonment shall be
4 imposed after a sentencing hearing, separate from the trial
5 or guilty plea proceeding resulting in the third violent
6 felony conviction, pursuant to the provisions of Section 31-
7 18-24 NMSA 1978.

8 C. For the purpose of this section, a violent
9 felony conviction incurred by a defendant before he reaches
10 the age of eighteen shall not count as a violent felony
11 conviction.

12 D. When a defendant has a felony conviction from
13 another state, the felony conviction shall be considered a
14 violent felony for the purposes of the Criminal Sentencing
15 Act if that crime would be considered a violent felony in New
16 Mexico.

17 E. As used in the Criminal Sentencing Act,
18 ~~[(1) "great bodily harm" means an injury to~~
19 ~~the person that creates a high probability of death or that~~
20 ~~causes serious disfigurement or that results in permanent~~
21 ~~loss or impairment of the function of any member or organ of~~
22 ~~the body; and~~

23 ~~(2) "violent felony" means:~~
24 ~~(a) murder in the first or second~~
25 ~~degree, as provided in Section 30-2-1 NMSA 1978;~~

~~(b) shooting at or from a motor vehicle~~
~~resulting in great bodily harm, as provided in Subsection B~~

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~~of Section 30-3-8 NMSA 1978;~~

~~(c) kidnapping resulting in great
bodily harm inflicted upon the victim by his captor, as
provided in Subsection B of Section 30-4-1 NMSA 1978; and~~

~~(d) criminal sexual penetration, as
provided in Subsection C or Paragraph (5) or (6) of
Subsection D of Section 30-9-11 NMSA 1978; and~~

~~(e) robbery while armed with a deadly
weapon resulting in great bodily harm as provided in Section
30-16-2 NMSA 1978 and Subsection A of Section 30-1-12 NMSA
1978] "violent felony" means a first or second degree felony
that involves the use or threatened use of force or
violence."~~

Section 2. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2000.