

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 230

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

FRANK BIRD

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING ADDITIONAL AGGRAVATING CIRCUMSTANCES THAT MAY BE CONSIDERED BY A SENTENCING COURT OR JURY IN A CAPITAL FELONY CASE; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 31-20A-5 NMSA 1978 (being Laws 1979, Chapter 150, Section 6, as amended) is amended to read:

"31-20A-5. AGGRAVATING CIRCUMSTANCES.--The aggravating circumstances to be considered by the sentencing court or jury pursuant to the provisions of Section 31-20A-2 NMSA 1978 are limited to the following:

- A. the victim was a peace officer who was acting in the lawful discharge of an official duty when he was murdered;
- B. the murder was committed with intent to kill in

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 the commission of or attempt to commit [~~kidnaping~~] kidnapping,
2 criminal sexual contact of a minor or criminal sexual
3 penetration;

4 C. the murder was committed with the intent to kill
5 by the defendant while attempting to escape from a penal
6 institution of New Mexico;

7 D. while incarcerated in a penal institution in New
8 Mexico, the defendant, with the intent to kill, murdered a
9 person who was at the time incarcerated in or lawfully on the
10 premises of a penal institution in New Mexico. As used in this
11 subsection, "penal institution" includes facilities under the
12 jurisdiction of the corrections [~~and criminal rehabilitation~~]
13 department and county and municipal jails;

14 E. while incarcerated in a penal institution in New
15 Mexico, the defendant, with the intent to kill, murdered an
16 employee of the corrections [~~and criminal rehabilitation~~]
17 department;

18 F. the capital felony was committed for hire; [~~and~~]

19 G. the capital felony was murder of a witness to a
20 crime or any person likely to become a witness to a crime, for
21 the purpose of preventing report of the crime or testimony in
22 any criminal proceeding or for retaliation for the victim having
23 testified in any criminal proceeding;

24 H. the murder was committed with intent to kill in
25 the commission of or attempt to commit shooting at a dwelling or

Underscored material = new
[bracketed material] = delete

1 occupied building or shooting at or from a motor vehicle, as
2 provided in Section 30-3-8 NMSA 1978;

3 I. the murder was committed with intent to kill in
4 the commission of or attempt to commit:

5 (1) trafficking controlled substances, as
6 provided in Section 30-31-20 NMSA 1978;

7 (2) distribution of controlled substances to a
8 minor, as provided in Section 30-31-21 NMSA 1978; or

9 (3) distribution of controlled or counterfeit
10 substances, as provided in Section 30-31-22 NMSA 1978; and

11 J. the defendant, with the intent to kill, murdered
12 two or more people during the same occurrence. "