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SENATE BILL 220

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

INTRODUCED BY

L. SKIP VERNON

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

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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

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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. "

1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON, 1996

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5 JANUARY 24, 1996

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7 Mr. Presi dent:

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9 Your COMMI TTEES' COMMI TTEE, to whom has been referred

10
11 SENATE BILL 220

12
13 has had it under consideration and finds same to be GERMANE, PURSUANT
14 TO SENATE EXECUTIVE MESSAGE NUMBER SEVEN thence referred to the PUBLIC
15 AFFAI RS COMMI TTEE.

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17 Respectfully submi tted,

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23 SENATOR MANNY M. ARAGON, Chai rman
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Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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