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SENATE BILL 410

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO CAPITAL FELONY SENTENCING; EXPANDING THE LIST OF
AGGRAVATING CIRCUMSTANCES CONSIDERED IN A CAPITAL FELONY CASE.

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
the commission of or attempt to commit ~~kidnaping~~ kidnapping,

underscored material = new
[bracketed material] = delete

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1 criminal sexual contact of a minor or criminal sexual
2 penetration;

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

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

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

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

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

25 H. the victim was a child under the age of

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thirteen; and

I. the defendant, with the intent to kill,
murdered two or more people in a single incident and in a
heinous manner. "

Section 2. EFFECTIVE DATE. -- The effective date of the
provisions of this act is July 1, 2001.