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HOUSE BILL 518

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Henry Kiki Saavedra

AN ACT

RELATING TO CRIMINAL SENTENCING; CLARIFYING THAT A PERSON MAY BE SENTENCED TO SERVE CONSECUTIVE SENTENCES FOR BOTH MURDER IN THE FIRST DEGREE AND AN UNDERLYING FELONY; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 31-18-14 NMSA 1978 (being Laws 1979, Chapter 150, Section 1, as amended) is amended to read:

"31-18-14. SENTENCING AUTHORITY--CAPITAL FELONIES.--

A. When a defendant has been convicted of a capital felony, he shall be punished by life imprisonment or death. The punishment shall be imposed after a sentencing hearing separate from the trial or guilty plea proceeding. However, if the defendant has not reached the age of majority at the time of the commission of the capital felony for which he was

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1 convicted, he may be sentenced to life imprisonment but shall  
2 not be punished by death.

3 B. In the event the death penalty in a capital  
4 felony case is held to be unconstitutional or otherwise  
5 invalidated by the supreme court of the state of New Mexico or  
6 the supreme court of the United States, the person previously  
7 sentenced to death for a capital felony shall be sentenced to  
8 life imprisonment.

9 C. A person who commits murder in the first degree  
10 while in the commission of any felony or while attempting to  
11 commit any felony, as provided in Paragraph (2) of Subsection A  
12 of Section 30-2-1 NMSA 1978, may be charged with and convicted  
13 of both murder in the first degree and the underlying felony.  
14 The person may be sentenced to serve consecutive sentences for  
15 both murder in the first degree and the underlying felony."

16 Section 2. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2004.