

FORTY- SEVENTH LEGISLATURE  
FIRST SESSION, 2005

February 14, 2005

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred  
HOUSE BILL 227

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 1, line 20, after "fact" insert ", proved beyond a reasonable doubt to a jury or to the judge if the defendant's right to a jury trial has been waived,".

2. On page 2, line 3, strike "two years" and insert in lieu thereof "one year".

3. On page 2, line 5, strike "four" and insert in lieu thereof "two".

4. On page 2, between lines 5 and 6, insert the following new paragraph:

"(3) for a third degree felony resulting in death, an additional three years;".

5. Renumber the succeeding paragraphs accordingly.

6. On page 2, line 7, strike "six years; and" and insert in lieu thereof "four years;".

7. On page 2, between lines 7 and 8, insert the following new paragraph:

"(5) for a second degree felony resulting in death, an additional six years; and".

8. Renumber the succeeding paragraph accordingly.

9. On page 3, between lines 16 and 17, insert the following new paragraph:

"(15) burglary, pursuant to Section 30-16-3 NMSA 1978;".

10. Renumber the succeeding paragraphs accordingly.

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11. On page 4, between lines 11 and 12, insert the following new paragraph:

"(25) unlawful taking of a motor vehicle, pursuant to Section 66-3-504 NMSA 1978;".

12. Renumber the succeeding paragraphs accordingly.

13. On page 4, line 14, strike ", conspiracy or solicitation".

14. On page 4, line 16, strike "(24)" and insert in lieu thereof "(26)".

15. On page 4, line 16, strike the second comma and strike line 17 up to the period and insert in lieu thereof "NMSA 1978".

16. On page 4, between lines 20 and 21, insert the following new subsection:

"D. If more than one enhancement is imposed, the enhancements provided in Subsection A of this section shall run concurrently. "

17. Reletter the succeeding subsections accordingly.,

18. On page 5, line 10, after "occasions" strike "or"., and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

\_\_\_\_\_  
Joseph Cervantes, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

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The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Cervantes, Marquardt

Absent: None

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