

FORTY-EIGHTH LEGISLATURE  
FIRST SESSION, 2007

HB 190/a

March 2, 2007

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**HOUSE BILL 190**

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

1. On page 4, line 25, strike "unencumbered" and insert in lieu thereof "enumerated".

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

"Section 4. 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]~~ defendant, with the deliberate intent to kill, murdered a peace officer who was acting in the lawful discharge of an official duty when ~~[he]~~ the peace officer was murdered;

B. the murder was committed with the deliberate intent to kill in the commission of or attempt to commit ~~[kidnaping]~~ kidnapping, criminal sexual contact of a minor or criminal sexual penetration;

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

D. while incarcerated in a penal institution in New

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

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

F. the capital felony, with the deliberate intent to kill, was committed for hire; [~~and~~]

G. the capital felony, with the deliberate intent to kill, was murder of a witness to a crime or any person likely to become a witness to a crime, for the purpose of preventing report of the crime or testimony in any criminal proceeding or for retaliation for the victim having testified in any criminal proceeding;

H. the defendant, with the deliberate intent to kill, murdered a child less than thirteen years of age."

I. the defendant, with the deliberate intent to kill, murdered two or more people in a single incident;

J. the defendant, with the deliberate intent to kill, murdered a person because of that person's present or former status as a peace officer or employee of the corrections department; and

K. the defendant, with the deliberate intent to kill, committed a murder in a heinous manner."

3. Renumber the succeeding sections accordingly.,

and thence referred to the **JUDICIARY COMMITTEE**.

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Respectfully submitted,

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Dede Feldman, Chairman

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

Date \_\_\_\_\_

The roll call vote was 6 For 1 Against

Yes: 6

No: Neville

Excused: Ingle, Kernan

Absent: None

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