

1 SENATE BILL 467

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 John C. Ryan

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10 AN ACT

11 RELATING TO CRIMINAL SENTENCING; PROVIDING ADDITIONAL VIOLENT
12 FELONIES IN THE CRIMINAL SENTENCING ACT FOR PURPOSES OF
13 MANDATORY LIFE IMPRISONMENT FOR THREE VIOLENT FELONY
14 CONVICTIONS.

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

17 Section 1. Section 31-18-23 NMSA 1978 (being Laws 1994,
18 Chapter 24, Section 2, as amended) is amended to read:

19 "31-18-23. THREE VIOLENT FELONY CONVICTIONS--MANDATORY
20 LIFE IMPRISONMENT--EXCEPTION.--

21 A. When a defendant is convicted of a third violent
22 felony, and each violent felony conviction is part of a
23 separate transaction or occurrence, and at least the third
24 violent felony conviction is in New Mexico, the defendant
25 shall, in addition to the sentence imposed for the third

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1 violent conviction when that sentence does not result in death,
2 be punished by a sentence of life imprisonment. The life
3 imprisonment sentence shall be subject to parole pursuant to
4 the provisions of Section 31-21-10 NMSA 1978.

5 B. The sentence of life imprisonment shall be
6 imposed after a sentencing hearing, separate from the trial or
7 guilty plea proceeding resulting in the third violent felony
8 conviction, pursuant to the provisions of Section 31-18-24 NMSA
9 1978.

10 C. For the purpose of this section, a violent
11 felony conviction incurred by a defendant before [~~he~~] the
12 defendant reaches the age of eighteen shall not count as a
13 violent felony conviction.

14 D. When a defendant has a felony conviction from
15 another state, the felony conviction shall be considered a
16 violent felony for the purposes of the Criminal Sentencing Act
17 if that crime would be considered a violent felony in New
18 Mexico.

19 E. As used in the Criminal Sentencing Act:

20 (1) "great bodily harm" means an injury to the
21 person that creates a high probability of death or that causes
22 serious disfigurement or that results in permanent loss or
23 impairment of the function of any member or organ of the body;
24 and

25 (2) "violent felony" means:

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1 (a) murder in the first or second
2 degree, as provided in Section 30-2-1 NMSA 1978;

3 (b) manslaughter, as provided in Section
4 30-2-3 NMSA 1978;

5 [~~(b)~~] (c) shooting at or from a motor
6 vehicle [~~resulting in great bodily harm~~], as provided in
7 Subsection B of Section 30-3-8 NMSA 1978;

8 (c) (d) kidnapping [~~resulting in great~~
9 ~~bodily harm inflicted upon the victim by his captor~~], as
10 provided in [~~Subsection B of~~] Section 30-4-1 NMSA 1978; [~~and~~

11 (d) (e) criminal sexual penetration, as
12 provided in [~~Subsection C or Paragraph (5) or (6) of Subsection~~
13 ~~D of~~] Section 30-9-11 NMSA 1978; [~~and~~

14 (e) (f) robbery, [~~while armed with a~~
15 ~~deadly weapon resulting in great bodily harm~~] as provided in
16 Section 30-16-2 NMSA 1978 [~~and Subsection A of Section 30-1-12~~
17 ~~NMSA 1978~~];

18 (g) aggravated assault, as provided in
19 Section 30-3-2 NMSA 1978;

20 (h) assault with intent to commit a
21 violent felony, as provided in Section 30-3-3 NMSA 1978;

22 (i) aggravated battery, as provided in
23 Section 30-3-5 NMSA 1978;

24 (j) aggravated battery against a
25 household member, as provided in Section 30-3-16 NMSA 1978;

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1 (k) sexual exploitation of children, as
2 provided in Section 30-6A-3 NMSA 1978;

3 (l) criminal sexual contact of a minor,
4 as provided in Section 30-9-13 NMSA 1978;

5 (m) aggravated burglary, as provided in
6 Section 30-16-4 NMSA 1978;

7 (n) aggravated assault upon a peace
8 officer, as provided in Section 30-22-22 NMSA 1978;

9 (o) assault with intent to commit a
10 violent felony upon a peace officer, as provided in Section
11 30-22-23 NMSA 1978; and

12 (p) aggravated battery upon a peace
13 officer, as provided in Section 30-22-25 NMSA 1978."

14 Section 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2007.