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HOUSE BILL 200

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Tara Jaramillo and Patricia A. Lundstrom and Harry Garcia
and Ambrose Castellano and Joseph L. Sanchez

AN ACT

RELATING TO CRIMES; INCREASING THE SENTENCE FOR SECOND DEGREE
MURDER.

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

SECTION 1. Section 31-18-15 NMSA 1978 (being Laws 1977,
Chapter 216, Section 4, as amended) is amended to read:

"31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--
BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS
DEDUCTIONS.--

A. As used in a statute that establishes a
noncapital felony, the following defined felony classifications
and associated basic sentences of imprisonment are as follows:

FELONY CLASSIFICATION	BASIC SENTENCE
first degree felony	
resulting in the death	

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1	of a child	life imprisonment
2	first degree felony for	
3	aggravated criminal sexual	
4	penetration	life imprisonment
5	first degree felony	eighteen years
6		imprisonment
7	second degree felony	
8	resulting in the death of	
9	a human being	[fifteen] <u>twenty</u> years
10		imprisonment
11	second degree felony for a	
12	sexual offense against a	
13	child	fifteen years
14		imprisonment
15	second degree felony for	
16	sexual exploitation of	
17	children	twelve years imprisonment
18	second degree felony	nine years imprisonment
19	third degree felony resulting	
20	in the death of a human being	six years imprisonment
21	third degree felony for a	
22	sexual offense against a	
23	child	six years imprisonment
24	third degree felony for sexual	
25	exploitation of children	eleven years imprisonment

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1 third degree felony three years imprisonment
2 fourth degree felony for
3 sexual exploitation of
4 children ten years imprisonment
5 fourth degree felony eighteen months imprisonment.

6 B. The appropriate basic sentence of imprisonment
7 shall be imposed upon a person convicted and sentenced pursuant
8 to Subsection A of this section, unless the court alters the
9 sentence pursuant to the provisions of the Criminal Sentencing
10 Act.

11 C. A period of parole shall be imposed only for
12 felony convictions wherein a person is sentenced to
13 imprisonment of more than one year, unless the parties to a
14 proceeding agree that a period of parole should be imposed. If
15 a period of parole is imposed, the court shall include in the
16 judgment and sentence of each person convicted and sentenced to
17 imprisonment in a corrections facility designated by the
18 corrections department authority for a period of parole to be
19 served in accordance with the provisions of Section 31-21-10
20 NMSA 1978 after the completion of any actual time of
21 imprisonment and authority to require, as a condition of
22 parole, the payment of the costs of parole services and
23 reimbursement to a law enforcement agency or local crime
24 stopper program in accordance with the provisions of that
25 section. If imposed, the period of parole shall be deemed to

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1 be part of the sentence of the convicted person in addition to
2 the basic sentence imposed pursuant to Subsection A of this
3 section together with alterations, if any, pursuant to the
4 provisions of the Criminal Sentencing Act.

5 D. When a court imposes a sentence of imprisonment
6 pursuant to the provisions of Section 31-18-15.1, 31-18-16 or
7 31-18-17 NMSA 1978 and suspends or defers the basic sentence of
8 imprisonment provided pursuant to the provisions of Subsection
9 A of this section, the period of parole shall be served in
10 accordance with the provisions of Section 31-21-10 NMSA 1978
11 for the degree of felony for the basic sentence for which the
12 inmate was convicted. For the purpose of designating a period
13 of parole, a court shall not consider that the basic sentence
14 of imprisonment was suspended or deferred and that the inmate
15 served a period of imprisonment pursuant to the provisions of
16 the Criminal Sentencing Act.

17 E. The court may, in addition to the imposition of
18 a basic sentence of imprisonment, impose a fine not to exceed:

19 (1) for a first degree felony resulting in the
20 death of a child, seventeen thousand five hundred dollars
21 (\$17,500);

22 (2) for a first degree felony for aggravated
23 criminal sexual penetration, seventeen thousand five hundred
24 dollars (\$17,500);

25 (3) for a first degree felony, fifteen

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1 thousand dollars (\$15,000);

2 (4) for a second degree felony resulting in
3 the death of a human being, twelve thousand five hundred
4 dollars (\$12,500);

5 (5) for a second degree felony for a sexual
6 offense against a child, twelve thousand five hundred dollars
7 (\$12,500);

8 (6) for a second degree felony for sexual
9 exploitation of children, five thousand dollars (\$5,000);

10 (7) for a second degree felony, ten thousand
11 dollars (\$10,000);

12 (8) for a third degree felony resulting in the
13 death of a human being, five thousand dollars (\$5,000);

14 (9) for a third degree felony for a sexual
15 offense against a child, five thousand dollars (\$5,000);

16 (10) for a third degree felony for sexual
17 exploitation of children, five thousand dollars (\$5,000);

18 (11) for a third or fourth degree felony, five
19 thousand dollars (\$5,000); or

20 (12) for a fourth degree felony for sexual
21 exploitation of children, five thousand dollars (\$5,000).

22 F. When the court imposes a sentence of
23 imprisonment for a felony offense, the court shall indicate
24 whether or not the offense is a serious violent offense as
25 defined in Section 33-2-34 NMSA 1978. The court shall inform

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1 an offender that the offender's sentence of imprisonment is
2 subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37
3 and 33-2-38 NMSA 1978. If the court fails to inform an
4 offender that the offender's sentence is subject to those
5 provisions or if the court provides the offender with erroneous
6 information regarding those provisions, the failure to inform
7 or the error shall not provide a basis for a writ of habeas
8 corpus.

9 G. No later than October 31 of each year, the
10 New Mexico sentencing commission shall provide a written report
11 to the secretary of corrections, all New Mexico criminal court
12 judges, the administrative office of the district attorneys and
13 the chief public defender. The report shall specify the
14 average reduction in the sentence of imprisonment for serious
15 violent offenses and nonviolent offenses, as defined in Section
16 33-2-34 NMSA 1978, due to meritorious deductions earned by
17 prisoners during the previous fiscal year pursuant to the
18 provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38
19 NMSA 1978. The corrections department shall allow the
20 commission access to documents used by the department to
21 determine earned meritorious deductions for prisoners."

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