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SENATE BILL 706

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

GARY DON REAGAN

AN ACT

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

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 convicted, he

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1 may be sentenced to life imprisonment but shall not be punished  
2 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 of  
13 both murder in the first degree and the underlying felony. The  
14 person may be sentenced to serve consecutive sentences for both  
15 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, 1996.

1 FORTY-SECOND LEGISLATURE

2 SECOND SESSION, 1996

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6 FEBRUARY 9, 1996

7  
8 Mr. President:

9  
10 Your COMMITTEES' COMMITTEE, to whom has been referred

11  
12 SENATE BILL 706

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14  
15 has had it under consideration and finds same to be GERMANE, PURSUANT  
16 TO SENATE EXECUTIVE MESSAGE NUMBER 5, and thence referred to the  
17 JUDICIARY COMMITTEE.

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19 Respectfully submitted,

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SENATOR MANNY M. ARAGON, Chairman

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

S0706CC1

1 FORTY-SECOND LEGISLATURE  
2 SECOND SESSION, 1996  
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6 February 12, 1996  
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8 Mr. President:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
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12 SENATE BILL 706  
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14 has had it under consideration and reports same with recommendation that  
15 it DO PASS, and thence referred to the FINANCE COMMITTEE.  
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17  
18 Respectfully submitted,  
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23 Janice D. Paster, Chairman  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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The roll call vote was 5 For 2 Against

Yes: 5

No: Sanchez, Tsosie

Excused: None

Absent: Carraro, Vernon

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1 FORTY-SECOND LEGISLATURE  
2 SECOND SESSION, 1996  
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6 February 13, 1996  
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8 Mr. President:  
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10 Your FINANCE COMMITTEE, to whom has been referred  
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12 SENATE BILL 706  
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14 has had it under consideration and reports same with recommendation that  
15 it DO PASS.  
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17  
18 Respectfully submitted,  
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23 Ben D. Altamirano, Chairman  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Donisthorpe, Duran, Ingle, Kidd, Kysar

Absent: None

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