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HOUSE BILL 454

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

W. Ken Martinez

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING THAT A CAPITAL
FELONY OFFENDER FOUND GUILTY BUT MENTALLY ILL SHALL BE
SENTENCED TO LIFE IMPRISONMENT.

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

Section 1. Section 31-9-4 NMSA 1978 (being Laws 1982,
Chapter 55, Section 2) is amended to read:

"31-9-4. SENTENCE UPON ACCEPTED PLEA OR VERDICT OF
GUILTY BUT MENTALLY ILL. --

A. The court may impose any sentence upon a
defendant found guilty but mentally ill which could be imposed
pursuant to law upon a defendant who has been convicted of the
same offense without a finding of mental illness, [~~provided~~
~~that~~] except a sentence of death.

B. If a defendant convicted of first degree murder

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1 is found guilty but mentally ill, the court shall impose upon
2 the defendant a sentence of life imprisonment.

3 C. If a defendant is sentenced to the custody of
4 the corrections department, the department shall examine the
5 nature, extent, continuance and treatment of the defendant's
6 mental illness and shall provide psychiatric, psychological
7 and other counseling and treatment for the defendant as it
8 deems necessary. "

9 Section 2. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 26, 1999
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 454
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 APPROPRIATIONS AND FINANCE COMMITTEE.

17 Respectfully submitted,
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21 _____
22 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 454

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Luna

Absent: None

J: \99BillSWP\H0454

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 March 2, 1999

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6
7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 454

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

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16 Respectfully submitted,

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20 _____
21 Max Coll, Chair man

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 6

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 14 For 1 Against

Yes: 14

No: Marquardt

Excused: Buffett, Watchman

Absent: None

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