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HOUSE BILL 272

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

Joseph Cervantes

INTRODUCED BY

AN ACT

RELATING TO CAPITAL FELONY SENTENCING; PROVIDING ADDITIONAL AGGRAVATING CIRCUMSTANCES FOR CONSIDERATION IN CAPITAL FELONY CASES.

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

Section 31-20A-5 NMSA 1978 (being Laws 1979, Section 1. Chapter 150, Section 6, as amended) is amended to read:

"31-20A-5. AGGRAVATING CIRCUMSTANCES. --

A. 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.] (1) the victim was a peace officer who was acting in the lawful discharge of an official duty when he was murdered;

[B.] (2) the murder was committed with intent

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to kill in the commission of or attempt to commit [kidnaping] kidnapping, criminal sexual contact of a minor or criminal sexual penetration;

[C.] (3) the murder was committed with the intent to kill by the defendant while attempting to escape from a penal institution of New Mexico;

 $[\mathbf{D}]$ (4) while incarcerated in a penal institution in New Mexico, the defendant, with the 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.] (5) while incarcerated in a penal institution in New Mexico, the defendant, with the intent to kill, murdered an employee of the corrections [and criminal rehabilitation] department;

[F.] (6) the capital felony was committed for hire; [and

6. (7) the capital felony 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;

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1	(8) the defendant, with the intent to kill,
2	murdered two or more people in a single incident; or
3	(9) the murder was committed with the intent
4	to kill in the commission of an act of terror or an attempt to
5	commit an act of terror.
6	B. As used in this section, "act of terror" means
7	an act that is intended to:
8	(1) intimidate or coerce a civilian
9	<u>popul ati on;</u>
10	(2) influence the policy of a unit of
11	government by intimidation or coercion;
12	(3) intimidate or coerce a unit of government
13	into granting illegal economic demands; or
14	(4) affect the conduct of a unit of government
15	by an assassination."
16	Section 2. EFFECTIVE DATE The effective date of the
17	provisions of this act is July 1, 2003.
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