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HOUSE BILL 932

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

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING ADDITIONAL VIOLENT  
FELONIES IN THE CRIMINAL SENTENCING ACT FOR PURPOSES OF  
MANDATORY LIFE IMPRISONMENT FOR TWO VIOLENT SEXUAL OFFENSE  
CONVICTIONS.

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

Section 1. Section 31-18-25 NMSA 1978 (being Laws 1996,  
Chapter 79, Section 1, as amended) is amended to read:

"31-18-25. TWO VIOLENT SEXUAL OFFENSE CONVICTIONS--  
MANDATORY LIFE IMPRISONMENT--EXCEPTION.--

A. When a defendant is convicted of a second  
violent sexual offense, and each violent sexual offense  
conviction is part of a separate transaction or occurrence, and  
at least the second violent sexual offense conviction is in New  
Mexico, the defendant shall, in addition to the punishment

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1 imposed for the second violent sexual offense conviction, be  
2 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. Notwithstanding the provisions of Subsection A  
6 of this section, when a defendant is convicted of a second  
7 violent sexual offense, and each violent sexual offense  
8 conviction is part of a separate transaction or occurrence, and  
9 the victim of each violent sexual offense was less than  
10 thirteen years of age at the time of the offense, and at least  
11 the second violent sexual offense conviction is in New Mexico,  
12 the defendant shall be punished by a sentence of life  
13 imprisonment without the possibility of parole.

14 C. The sentence of life imprisonment shall be  
15 imposed after a sentencing hearing, separate from the trial or  
16 guilty plea proceeding resulting in the second violent sexual  
17 offense conviction, pursuant to the provisions of Section  
18 31-18-26 NMSA 1978.

19 D. For the purposes of this section, a violent  
20 sexual offense conviction incurred by a defendant before [he]  
21 the defendant reaches the age of eighteen shall not count as a  
22 violent sexual offense conviction.

23 E. When a defendant has a felony conviction from  
24 another state, the felony conviction shall be considered a  
25 violent sexual offense for the purposes of the Criminal

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1 Sentencing Act if the crime would be considered a violent  
2 sexual offense in New Mexico.

3 F. As used in the Criminal Sentencing Act, "violent  
4 sexual offense" means:

5 (1) criminal sexual penetration in the first  
6 or second degree, as provided in [~~Subsection C of~~] Section  
7 30-9-11 NMSA 1978; or

8 [~~(2) criminal sexual penetration in the second~~  
9 ~~degree, as provided in Subsection D of Section 30-9-11 NMSA~~  
10 ~~1978]~~

11 (2) criminal sexual contact of a minor in the  
12 second or third degree, as provided in Section 30-9-13 NMSA  
13 1978."

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