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HOUSE JOINT RESOLUTION 6

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Dennis J. Kintigh

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO
BY ADOPTING A NEW SECTION REQUIRING IMPOSITION OF THE DEATH
PENALTY FOR CERTAIN CAPITAL FELONIES, IMPOSING THE DEATH
PENALTY FOR OTHER CRIMES IF PROVIDED BY LAW AND REQUIRING THAT
FEDERAL PROCEDURAL LAWS, RULES AND JURY INSTRUCTIONS APPLY IN
CAPITAL FELONY CASES.

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

SECTION 1. It is proposed to amend Article 6 of the
constitution of New Mexico by adding a new section to read:

"A. The death penalty shall be imposed for all
capital felonies where a jury finds, beyond a reasonable doubt,
one of the following circumstances:

(1) the victim was a peace officer who was
acting in the lawful discharge of an official duty when

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1 murdered;

2 (2) the victim was a person under eighteen
3 years of age;

4 (3) the murder was committed with intent to
5 kill in the commission of or attempt to commit kidnapping or
6 criminal sexual penetration;

7 (4) the murder was committed with the intent
8 to kill by the defendant while attempting to escape from a
9 penal institution of New Mexico;

10 (5) while incarcerated in a penal institution
11 in New Mexico, the defendant, with the intent to kill, murdered
12 a person who was at the time incarcerated in or lawfully on the
13 premises of a penal institution in New Mexico, including
14 facilities under the jurisdiction of the corrections department
15 and county and municipal jails;

16 (6) while incarcerated in a penal institution
17 in New Mexico, the defendant, with the intent to kill, murdered
18 an employee of the corrections department;

19 (7) the capital felony was committed for hire;

20 or (8) the capital felony was murder of a witness
21 to a crime, or any person likely to become a witness to a
22 crime, for the purpose of preventing report of the crime or
23 testimony in any criminal proceeding or for retaliation for the
24 victim having testified in any criminal proceeding.

25 B. The death penalty may be imposed for other

underscoring material = new
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1 crimes if provided for by law.

2 C. In capital felony cases, federal procedural
3 laws, rules and jury instructions for federal capital offense
4 cases shall apply."

5 SECTION 2. The amendment proposed by this resolution
6 shall be submitted to the people for their approval or
7 rejection at the next general election or at any special
8 election prior to that date that may be called for that
9 purpose.