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HOUSE JOINT RESOLUTION 6

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Dennis J. Kintigh

A JOINT RESOLUTION

PROPOSING THE ADOPTION OF A NEW SECTION TO THE CONSTITUTION OF NEW MEXICO TO REQUIRE THE IMPOSITION OF THE DEATH PENALTY FOR CERTAIN CRIMES OF MURDER IN THE FIRST DEGREE AND FOR OTHER CRIMES AS PROVIDED BY LAW AND TO REQUIRE THE THAT FEDERAL PROCEDURAL LAWS, RULES AND JURY INSTRUCTIONS BE APPLIED IN CASES WHERE THE DEATH PENALTY MAY BE IMPOSED.

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

SECTION 1. It is proposed to amend Article 20 of the constitution of New Mexico by adding a new section to read:

"A. The death penalty shall be imposed for the crime of murder in the first degree 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;

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

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

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

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

15 (6) the murder was committed for hire; or

16 (7) the murder was of a witness to a crime, or  
17 any person likely to become a witness to a crime, for the  
18 purpose of preventing report of the crime or testimony in any  
19 criminal proceeding or for retaliation for the victim having  
20 testified in any criminal proceeding.

21 B. The death penalty may be imposed for other  
22 crimes as provided by law.

23 C. Federal procedural laws, rules and jury  
24 instructions for federal capital offense cases shall apply in  
25 all cases where the death penalty may be imposed."

underscoring material = new  
~~[bracketed material]~~ = delete

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