

FIFTIETH LEGISLATURE  
SECOND SESSION, 2012

SB 59/a

February 8, 2012

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**SENATE BILL 59**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, before the period, insert "; PROVIDING THAT AGGRAVATING CIRCUMSTANCES SHALL NOT BE CONSIDERED FOR A SERIOUS YOUTHFUL OFFENDER".

2. On page 1, between lines 15 and 16, insert the following new section:

"SECTION 1. Section 31-20A-2 NMSA 1978 (being Laws 1979, Chapter 150, Section 3, as amended) is amended to read:

"31-20A-2. CAPITAL FELONY--DETERMINATION OF SENTENCE.--

A. In a capital felony case, if a jury finds, beyond a reasonable doubt, that one or more aggravating circumstances exist, as enumerated in Section 31-20A-5 NMSA 1978, the defendant shall be sentenced to life imprisonment without possibility of release or parole. If the jury does not make the finding that one or more aggravating circumstances exist, the defendant shall be sentenced to life imprisonment.

B. Aggravating circumstances shall not be considered for a serious youthful offender in a capital felony case."

3. Renumber the succeeding sections accordingly.

4. On page 1, line 19, after "considered", insert "in a capital felony first degree murder case".

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5. On page 2, line 1, after "age", strike through the semicolon and insert "who was forcibly abducted and murdered, with willful and deliberate intent."

Respectfully submitted,

\_\_\_\_\_  
Richard C. Martinez, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against  
Yes: 7  
No: 0  
Excused: Lopez, McSorley, Ryan, Sanchez, M.  
Absent: None

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