SENATE BILL 363

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Antonio Maestas

AN ACT

RELATING TO CRIME; EXCLUDING FROM THE CRIME OF VOLUNTARY

MANSLAUGHTER KILLINGS COMMITTED DURING THE ESCAPE FROM THE

COMMISSION OF A FELONY AND WHILE RESISTING LAWFUL ARREST.

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

SECTION 1. Section 30-2-3 NMSA 1978 (being Laws 1963, Chapter 303, Section 2-3, as amended) is amended to read:

"30-2-3. MANSLAUGHTER.--Manslaughter is the unlawful killing of a human being without malice.

A. Voluntary manslaughter consists of manslaughter committed upon a sudden quarrel or in the heat of passion, except that a sudden quarrel or heat of passion shall not include any conduct in the course of or during an escape from the commission of a felony offense or while resisting a lawful arrest by a law enforcement officer or another person.

.224443.1

Whoever commits voluntary manslaughter is guilty of a third degree felony resulting in the death of a human being.

Involuntary manslaughter consists of manslaughter committed in the commission of an unlawful act not amounting to felony, or in the commission of a lawful act [which] that might produce death in an unlawful manner or without due caution and circumspection.

Whoever commits involuntary manslaughter is guilty of a fourth degree felony."

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