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SENATE BILL 341

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Jay C. Block

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING FOR THE DEATH
PENALTY IN CERTAIN CIRCUMSTANCES; PROVIDING A PROCESS;
PROVIDING FOR APPEALS.

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

SECTION 1. A new section of Chapter 31, Article 20A NMSA
1978 is enacted to read:

"[NEW MATERIAL] DEATH PENALTY IN CERTAIN CIRCUMSTANCES.--

A. A person convicted of causing the death of a
child pursuant to Section 30-6-1 NMSA 1978 shall be sentenced
to death if the neglect or abuse was willful and intentional.

B. A person convicted of causing the death of a
child while committing a felony pursuant to the Controlled
Substances Act shall be sentenced to death.

C. A person convicted of causing the death of a law

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1 enforcement officer while committing a felony shall be
2 sentenced to death. A person convicted for any related acts
3 that led to the death of the law enforcement officer shall be
4 sentenced to death.

5 D. In cases pursuant to this section where
6 mitigating circumstances exist, the court may impose a lesser
7 sentence, but not less than life imprisonment without the
8 possibility of parole.

9 E. The following factors may be considered as
10 aggravating circumstances warranting the death penalty:

11 (1) prior convictions for child neglect or
12 abuse;

13 (2) prior intervention by the children, youth
14 and families department and plans or commitments required by
15 the department that the defendant failed to follow;

16 (3) the degree of suffering inflicted upon a
17 child;

18 (4) the age of a child;

19 (5) any premeditation or planning involved in
20 an act;

21 (6) prior criminal history involving a serious
22 violent offense;

23 (7) killing multiple victims;

24 (8) endangering the lives of others in the
25 community; or

.230022.2

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(9) membership in a gang or cartel.

F. A person charged under this section shall be afforded full due process rights, including the right to legal representation and a fair trial.

G. A separate hearing shall be held to determine whether the death penalty is justified. The jury must be unanimous to sentence a person to death.

H. A defendant is required to establish mitigating circumstances by a preponderance of evidence.

I. Convictions resulting in the death penalty shall be automatically appealed to the supreme court to ensure a thorough review of the case. The supreme court shall review the application of the death penalty and any procedural errors during the trial."