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HOUSE BILL 522

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Justine Fox-Young

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING ADDITIONAL VIOLENT
FELONIES IN THE CRIMINAL SENTENCING ACT FOR PURPOSES OF
MANDATORY LIFE IMPRISONMENT FOR THREE VIOLENT FELONY
CONVICTIONS.

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

Section 1. Section 31-18-23 NMSA 1978 (being Laws 1994,
Chapter 24, Section 2, as amended) is amended to read:

"31-18-23. THREE VIOLENT FELONY CONVICTIONS--MANDATORY
LIFE IMPRISONMENT--EXCEPTION.--

A. When a defendant is convicted of a third violent
felony, and each violent felony conviction is part of a
separate transaction or occurrence, and at least the third
violent felony conviction is in New Mexico, the defendant
shall, in addition to the sentence imposed for the third

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1 violent conviction when that sentence does not result in death,
2 be punished by a sentence of life imprisonment. The life
3 imprisonment sentence shall be subject to parole pursuant to
4 the provisions of Section 31-21-10 NMSA 1978.

5 B. The sentence of life imprisonment shall be
6 imposed after a sentencing hearing, separate from the trial or
7 guilty plea proceeding resulting in the third violent felony
8 conviction, pursuant to the provisions of Section 31-18-24 NMSA
9 1978.

10 C. For the purpose of this section, a violent
11 felony conviction incurred by a defendant before [~~he~~] the
12 defendant reaches the age of eighteen shall not count as a
13 violent felony conviction.

14 D. When a defendant has a felony conviction from
15 another state, the felony conviction shall be considered a
16 violent felony for the purposes of the Criminal Sentencing Act
17 if that crime would be considered a violent felony in New
18 Mexico.

19 E. As used in the Criminal Sentencing Act:

20 (1) "great bodily harm" means an injury to the
21 person that creates a high probability of death or that causes
22 serious disfigurement or that results in permanent loss or
23 impairment of the function of any member or organ of the body;
24 and

25 (2) "violent felony" means:

.164741.2

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1 (a) murder in the first or second
2 degree, as provided in Section 30-2-1 NMSA 1978;

3 (b) manslaughter, as provided in Section
4 30-2-3 NMSA 1978;

5 [~~(b)~~] (c) shooting at or from a motor
6 vehicle [~~resulting in great bodily harm~~], as provided in
7 Subsection B of Section 30-3-8 NMSA 1978;

8 (c) (d) kidnapping [~~resulting in great~~
9 ~~bodily harm inflicted upon the victim by his captor~~], as
10 provided in [~~Subsection B of~~] Section 30-4-1 NMSA 1978; [~~and~~

11 (d) (e) criminal sexual penetration, as
12 provided in [~~Subsection C or Paragraph (5) or (6) of Subsection~~
13 ~~D of~~] Section 30-9-11 NMSA 1978; [~~and~~

14 (e) (f) robbery, [~~while armed with a~~
15 ~~deadly weapon resulting in great bodily harm~~] as provided in
16 Section 30-16-2 NMSA 1978 [~~and Subsection A of Section 30-1-12~~
17 ~~NMSA 1978~~];

18 (g) aggravated assault, as provided in
19 Section 30-3-2 NMSA 1978;

20 (h) assault with intent to commit a
21 violent felony, as provided in Section 30-3-3 NMSA 1978;

22 (i) aggravated battery that constitutes
23 a felony, as provided in Section 30-3-5 NMSA 1978;

24 (j) aggravated battery against a
25 household member that constitutes a felony, as provided in

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underscoring material = new
[bracketed material] = delete

- 1 Section 30-3-16 NMSA 1978;
- 2 (k) sexual exploitation of children, as
- 3 provided in Section 30-6A-3 NMSA 1978;
- 4 (l) criminal sexual contact of a minor,
- 5 as provided in Section 30-9-13 NMSA 1978;
- 6 (m) aggravated burglary, as provided in
- 7 Section 30-16-4 NMSA 1978;
- 8 (n) aggravated assault upon a peace
- 9 officer, as provided in Section 30-22-22 NMSA 1978;
- 10 (o) assault with intent to commit a
- 11 violent felony upon a peace officer, as provided in Section
- 12 30-22-23 NMSA 1978; and
- 13 (p) aggravated battery upon a peace
- 14 officer, as provided in Section 30-22-25 NMSA 1978."

15 Section 2. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2007.