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SENATE BILL 83

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Jacob R. Candelaria

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL SENTENCING; MAKING TECHNICAL CORRECTIONS
TO THE CRIMINAL SENTENCING ACT.

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

SECTION 1. Section 31-18-25 NMSA 1978 (being Laws 1996,
Chapter 79, Section 1, as amended) is amended to read:

"31-18-25. TWO VIOLENT SEXUAL OFFENSE CONVICTIONS--
MANDATORY LIFE IMPRISONMENT--EXCEPTION.--

A. When a defendant is convicted of a second
violent sexual offense, and each violent sexual offense
conviction is part of a separate transaction or occurrence, and
at least the second violent sexual offense conviction is in New
Mexico, the defendant shall, in addition to the punishment
imposed for the second violent sexual offense conviction, be
punished by a sentence of life imprisonment. The life

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1 imprisonment sentence shall be subject to parole pursuant to
2 the provisions of Section 31-21-10 NMSA 1978.

3 B. Notwithstanding the provisions of Subsection A
4 of this section, when a defendant is convicted of a second
5 violent sexual offense, and each violent sexual offense
6 conviction is part of a separate transaction or occurrence, and
7 the victim of each violent sexual offense was less than
8 thirteen years of age at the time of the offense, and at least
9 the second violent sexual offense conviction is in New Mexico,
10 the defendant shall be punished by a sentence of life
11 imprisonment without the possibility of parole.

12 C. The sentence of life imprisonment shall be
13 imposed after a sentencing hearing, separate from the trial or
14 guilty plea proceeding resulting in the second violent sexual
15 offense conviction, pursuant to the provisions of Section
16 31-18-26 NMSA 1978.

17 D. For the purposes of this section, a violent
18 sexual offense conviction incurred by a defendant before [~~he~~]
19 the defendant reaches the age of eighteen shall not count as a
20 violent sexual offense conviction.

21 E. When a defendant has a felony conviction from
22 another state, the felony conviction shall be considered a
23 violent sexual offense for the purposes of the Criminal
24 Sentencing Act if the crime would be considered a violent
25 sexual offense in New Mexico.

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F. As used in the Criminal Sentencing Act, "violent sexual offense" means:

(1) criminal sexual penetration in the first degree, as provided in Subsection [G] D of Section 30-9-11 NMSA 1978; or

(2) criminal sexual penetration in the second degree, as provided in Subsection [D] E of Section 30-9-11 NMSA 1978."