HOUSE BILL 451

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO CRIMINAL SENTENCING; CLARIFYING THAT A PERSON MAY BE
SENTENCED TO SERVE CONSECUTIVE SENTENCES FOR BOTH MURDER IN THE
FIRST DEGREE AND AN UNDERLYING FELONY; AMENDING A SECTION OF THE
NMSA 1978.

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

Section 1. Section 31-18-14 NMSA 1978 (being Laws 1979, Chapter 150, Section 1, as amended) is amended to read:

"31-18-14. SENTENCING AUTHORITY--CAPITAL FELONIES.--

A. When a defendant has been convicted of a capital felony, he shall be punished by life imprisonment or death. The punishment shall be imposed after a sentencing hearing separate from the trial or guilty plea proceeding. However, if the defendant has not reached the age of majority at the time of the commission of the capital felony for which he was convicted, he
may be sentenced to life imprisonment but shall not be punished by death.

B. In the event the death penalty in a capital felony case is held to be unconstitutional or otherwise invalidated by the supreme court of the state of New Mexico or the supreme court of the United States, the person previously sentenced to death for a capital felony shall be sentenced to life imprisonment.

C. A person who commits murder in the first degree while in the commission of any felony or while attempting to commit any felony, as provided in Paragraph (2) of Subsection A of Section 30-2-1 NMSA 1978, may be charged with and convicted of both murder in the first degree and the underlying felony. The person may be sentenced to serve consecutive sentences for both murder in the first degree and the underlying felony."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1997.
Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

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has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

___________________________________________
Thomas P. Foy, Chairman
Adopted ________________  Not Adopted ________________

(Chief Clerk)  (Chief Clerk)

Date _____________

The roll call vote was 9 For 0 Against
Yes: 9
Excused: Carpenter, Luna, Rios, Sanchez
Absent: None
Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom has been referred

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has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman
Adopted _______________    Not Adopted _______________

(Chief Clerk)               (Chief Clerk)

Date _______________

The roll call vote was 15 For 0 Against

Yes: 15

Excused: Garcia, M.H., Watchman

Absent: None
Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

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has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

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Fernando R. Macias, Chairman

Adopted_______________________ Not Adopted_______________________

(Chief Clerk)                          (Chief Clerk)

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Date ________________

The roll call vote was 6 For 0 Against
Yes: 6
No: 0
Excused: Sanchez, Vernon
Absent: None

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