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HOUSE BILL 485

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. David Pederson

AN ACT

RELATING TO CRIMINAL SENTENCING; CLARIFYING THAT A PERSON MAY BE SENTENCED TO SERVE CONSECUTIVE SENTENCES FOR 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

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1 he was convicted, he may be sentenced to life imprisonment but
2 shall not be punished by death.

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

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

17 Section 2. EFFECTIVE DATE. --The effective date of the
18 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 24, 1999

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8 Mr. Speaker:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 305

13
14 has had it under consideration and reports same with
15 recommendation that it DO NOT PASS, but that

16
17 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
18 HOUSE BILL 305

19 DO PASS.

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 305

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Respectfully submitted,

R. David Pederson, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 5 Against

Yes: 6

No: Godbey, Mallory, T. Taylor, Thompson, Vaughn

Excused: Luna

Absent: None

J: \99BillsWP\H0485

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