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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

FOR THE CRIMINAL JUSTICE REFORM SUBCOMMITTEE

AN ACT

RELATING TO THE CRIMINAL CODE; CREATING THE CRIME OF AGGRAVATED BATTERY INFLICTING GREAT BODILY HARM AS A SEPARATE CRIME; ESTABLISHING PENALTIES.

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

SECTION 1. Section 30-3-5 NMSA 1978 (being Laws 1963, Chapter 303, Section 3-5, as amended) is amended to read:

"30-3-5. AGGRAVATED BATTERY.--

A. Aggravated battery consists of the unlawful touching or application of force to the person of another with intent to injure that person or another.

B. Whoever commits aggravated battery inflicting an injury to the person [~~which~~] that is not likely to cause death or great bodily harm but does cause painful temporary disfigurement or temporary loss or impairment of the functions

underscoring material = new  
~~[bracketed material] = delete~~

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1 of any member or organ of the body is guilty of a misdemeanor.

2 C. Whoever commits aggravated battery [~~inflicting~~  
3 ~~great bodily harm or does so~~] with a deadly weapon or does so  
4 in any manner whereby great bodily harm or death can be  
5 inflicted is guilty of a third degree felony.

6 D. Whoever commits aggravated battery inflicting  
7 great bodily harm is guilty of a third degree felony and shall  
8 be punished, notwithstanding the provisions of Section 31-18-15  
9 NMSA 1978, to six years imprisonment."

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