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

B. Notwithstanding the provisions of Subsection A
of this section, 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 the victim of each violent sexual offense was less than
thirteen years of age at the time of the offense, and at
least the second violent sexual offense conviction is in New
Mexico, the defendant shall be punished by a sentence of life
imprisonment without the possibility of parole.

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

6 D. For the purposes of this section, a violent
7 sexual offense conviction incurred by a defendant before the
8 defendant reaches the age of eighteen shall not count as a
9 violent sexual offense conviction.

10 E. When a defendant has a felony conviction from
11 another state, the felony conviction shall be considered a
12 violent sexual offense for the purposes of the Criminal
13 Sentencing Act if the crime would be considered a violent
14 sexual offense in New Mexico.

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

17 (1) criminal sexual penetration in the first
18 degree, as provided in Subsection D of Section 30-9-11 NMSA
19 1978; or

20 (2) criminal sexual penetration in the
21 second degree, as provided in Subsection E of Section 30-9-11
22 NMSA 1978." _____