

The Legislature  
of the  
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 12

SENATE BILL 83

Introduced by

SENATOR JACOB R. CANDELARIA



FOR THE COURTS, CORRECTIONS AND  
JUSTICE COMMITTEE

# CHAPTER 12

## 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

1 Mexico, the defendant shall be punished by a sentence of life  
2 imprisonment without the possibility of parole.

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

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

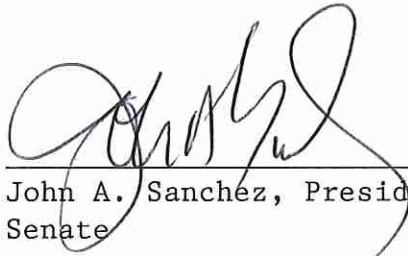
12 E. When a defendant has a felony conviction from  
13 another state, the felony conviction shall be considered a  
14 violent sexual offense for the purposes of the Criminal  
15 Sentencing Act if the crime would be considered a violent  
16 sexual offense in New Mexico.

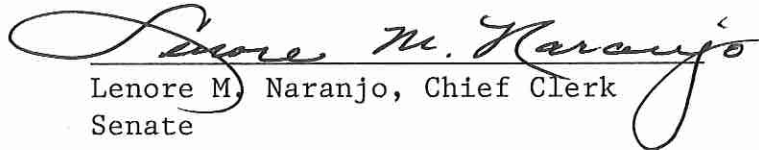
17 F. As used in the Criminal Sentencing Act,  
18 "violent sexual offense" means:

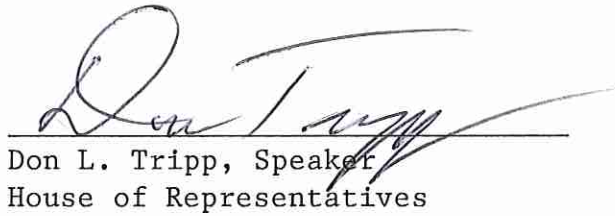
19 (1) criminal sexual penetration in the first  
20 degree, as provided in Subsection D of Section 30-9-11 NMSA  
21 1978; or

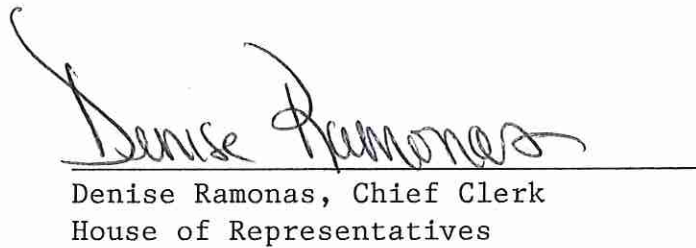
22 (2) criminal sexual penetration in the  
23 second degree, as provided in Subsection E of Section 30-9-11  
24 NMSA 1978."

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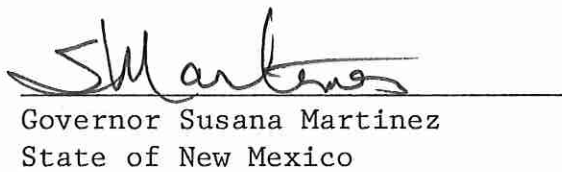
  
John A. Sanchez, President  
Senate

  
Lenore M. Naranjo, Chief Clerk  
Senate

  
Don L. Tripp, Speaker  
House of Representatives

  
Denise Ramonas, Chief Clerk  
House of Representatives

Approved by me this 31st day of March, 2015

  
Governor Susana Martinez  
State of New Mexico