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SENATE BILL 304

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING NO TIME LIMITATION FOR  
PROSECUTING SECOND DEGREE MURDER.

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

SECTION 1. Section 30-1-8 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 1-8, as amended) is amended to read:

"30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--A  
person shall not be prosecuted, tried or punished in any court  
of this state unless the indictment is found or information or  
complaint is filed within the time as provided:

A. for a second degree felony, within six years  
from the time the crime was committed;

B. for a third or fourth degree felony, within five  
years from the time the crime was committed;

C. for a misdemeanor, within two years from the

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1 time the crime was committed;

2 D. for a petty misdemeanor, within one year from  
3 the time the crime was committed;

4 E. for any crime against or violation of Section  
5 51-1-38 NMSA 1978, within three years from the time the crime  
6 was committed;

7 F. for a felony pursuant to Section 7-1-71.3,  
8 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the  
9 crime was committed; provided that for a series of crimes  
10 involving multiple filing periods within one calendar year, the  
11 limitation shall begin to run on December 31 of the year in  
12 which the crimes occurred;

13 G. for an identity theft crime pursuant to Section  
14 30-16-24.1 NMSA 1978, within five years from the time the crime  
15 was discovered;

16 H. for any crime not contained in the Criminal Code  
17 or where a limitation is not otherwise provided for, within  
18 three years from the time the crime was committed; and

19 I. for a capital felony, ~~[or]~~ a first degree  
20 violent felony or murder in the second degree, no limitation  
21 period shall exist and prosecution for these crimes may  
22 commence at any time after the occurrence of the crime."

23 SECTION 2. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2013.