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SENATE BILL 91

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Mary Kay Papen and Elizabeth "Liz" Thomson

AN ACT

RELATING TO CIVIL ACTIONS FOR CHILDHOOD SEXUAL ABUSE; REMOVING
LIMITATIONS FOR AN ACTION FOR DAMAGES BASED ON PERSONAL INJURY
CAUSED BY CHILDHOOD SEXUAL ABUSE; DECLARING AN EMERGENCY.

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

SECTION 1. Section 37-1-30 NMSA 1978 (being Laws 1993,
Chapter 136, Section 1, as amended) is amended to read:

"37-1-30. ACTION FOR DAMAGES DUE TO CHILDHOOD SEXUAL
ABUSE--NO LIMITATION ON ACTIONS.--

A. An action for damages based on personal injury
caused by childhood sexual abuse [~~shall be commenced by a
person before the latest of the following dates:~~

~~(1) the first instant of the person's twenty-
fourth birthday; or~~

~~(2) three years from the date of the time that~~

underscoring material = new
[bracketed material] = delete

1 ~~a person knew or had reason to know of the childhood sexual~~
2 ~~abuse and that the childhood sexual abuse resulted in an injury~~
3 ~~to the person, as established by competent medical or~~
4 ~~psychological testimony] may be commenced at any time after the~~
5 ~~occurrence of the childhood sexual abuse, regardless of whether~~
6 ~~there has been a criminal prosecution for such offense.~~

7 B. As used in this section, "childhood sexual
8 abuse" means [~~behavior~~] conduct that, if prosecuted in a
9 criminal matter, would constitute a violation of:

10 (1) Section 30-9-11 NMSA 1978, regarding
11 criminal sexual penetration of a minor;

12 (2) Section 30-9-13 NMSA 1978, regarding
13 criminal sexual contact of a minor; or

14 (3) the Sexual Exploitation of Children Act."

15 SECTION 2. EMERGENCY.--It is necessary for the public
16 peace, health and safety that this act take effect immediately.