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HOUSE BILL 33

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

William "Bill" R. Rehm and Antonio "Moe" Maestas  
and Yvette Herrell

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR A SIX-YEAR TIME  
LIMITATION FOR PROSECUTING FIRST DEGREE FELONY TRAFFICKING  
CONTROLLED SUBSTANCES; EXTENDING THE TIME LIMITATION FOR  
PROSECUTING THE CRIMES OF CONSPIRACY AND TAMPERING WITH  
EVIDENCE TO COINCIDE WITH THE TIME LIMITATION FOR THE  
UNDERLYING CRIME; PROVIDING NO TIME LIMITATION FOR PROSECUTING  
OTHER FIRST DEGREE FELONIES OR 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:

.208995.1

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

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1           A. for a second degree felony, except for murder in  
2 the second degree, and for first degree felony trafficking  
3 controlled substances pursuant to Section 30-31-20 NMSA 1978,  
4 within six years from the time the crime was committed;

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

7           C. for a misdemeanor, within two years from the  
8 time the crime was committed;

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

11           E. for the crime of conspiracy pursuant to Section  
12 30-28-2 NMSA 1978, within the same time period as the highest  
13 crime conspired to be committed would be prosecuted;

14           F. for the crime of tampering with evidence  
15 pursuant to Section 30-22-5 NMSA 1978, within the same time  
16 period as the highest crime for which the tampering with  
17 evidence was committed would be prosecuted;

18           ~~[E.]~~ G. for any crime against or violation of  
19 Section 51-1-38 NMSA 1978, within three years from the time the  
20 crime was committed;

21           ~~[F.]~~ H. for a felony pursuant to Section 7-1-71.3,  
22 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the  
23 crime was committed; provided that for a series of crimes  
24 involving multiple filing periods within one calendar year, the  
25 limitation shall begin to run on December 31 of the year in

.208995.1

