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HOUSE BILL 104

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

William "Bill" R. Rehm

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:

.211567.1

underscored 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

.211567.1

