

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 55

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

AN ACT

RELATING TO CRIMINAL JUSTICE; EXTENDING TIME LIMITS FOR
PROSECUTING CERTAIN OFFENSES AGAINST CHILDREN; MAKING TECHNICAL
AND CONFORMING CHANGES.

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;

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

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

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

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

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

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

20 I. for a capital felony or a first degree violent
21 felony, no limitation period shall exist and prosecution for
22 these crimes may commence at any time after the occurrence of
23 the crime; and

24 J. for a crime against a child in violation of
25 Section 30-6A-3, 30-6A-4, 30-9-11 or 30-9-13 NMSA 1978,

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1 prosecution for these crimes may commence at any time after the
2 occurrence of the crime and until the alleged victim reaches
3 the age of thirty-five years."

4 SECTION 2. Section 30-1-9.1 NMSA 1978 (being Laws 1987,
5 Chapter 117, Section 1) is amended to read:

6 "30-1-9.1. OFFENSES AGAINST CHILDREN--TOLLING OF STATUTE
7 OF LIMITATIONS.--The applicable time period for commencing
8 prosecution pursuant to Section 30-1-8 NMSA 1978 shall not
9 commence to run for an alleged violation of Section 30-6-1
10 [~~30-9-11 or 30-9-13~~] NMSA 1978 until the victim attains the age
11 of eighteen or the violation is reported to a law enforcement
12 agency, whichever occurs first."

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