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FISCAL IMPACT REPORT

ORIGINAL DATE 1/21/19

SPONSOR Papen LAST UPDATED _____ HB _____

SHORT TITLE Child Abuse Reporting Time Limits SB 125

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Unknown but probably small	Unknown but probably small	Unknown but probably small	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Office of the Attorney General (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 125 allows for the expansion of the statute of limitations applying to child sexual abuse. Current law in Section 37-1-30 NMSA 1978 gives two alternatives for determination of statute of limitations, with the alternative giving the later date to be observed:

- 1) The person's 24th birthday, or
- 2) Three years after the date the person disclosed that person's sexual abuse to a licensed medical or mental health care provider while receiving care from that provider.

To these, Senate Bill 125 adds a third alternative, which would be "three years from the date that a person knew or had reason to know of the childhood sexual abuse and that the childhood sexual abuse resulted in an injury to the person, as established by competent medical or psychological testimony." The statute of limitations would expire at the latest of the dates established by these three criteria.

The statute would be applied retroactively to all cases involving childhood sexual abuse.

The definitions of what constitutes childhood sexual abuse is located in Sections 30-9-11 and 30-9-13 NMSA 1978, which taken together, include the following age definitions:

- 1) For both childhood sexual penetration and childhood sexual contact, any child less than 13 years of age
- 2) For children between the ages of 13 and 18, when coercion is involved and/or
 - a. the perpetrator is in a position of authority over the child and uses that authority to coerce the child to submit;
 - b. the perpetrator uses force or coercion that results in personal injury to the child;
 - c. the perpetrator uses force or coercion and is aided or abetted by one or more persons; or
 - d. the perpetrator is armed with a deadly weapon.

FISCAL IMPLICATIONS

AOC notes that the fiscal impact of the changes would be unknown, but that “This bill has the potential to increase the number of cases filed by extending the statute of limitations.” How many additional cases would be brought under this extension of statute of limitations is impossible to know?

SIGNIFICANT ISSUES

A study of some 34,000 US adults has found that approximately 10.14% of American adults report having been subjected to sexual abuse as children, and that childhood sexual abuse was experienced three times more commonly among females than males. (Perez-Fuentes G et al, Prevalence and Correlates of Child Sexual Abuse: A National Study. *Compr Psychiatry*. 2013 Jan; 54(1): 16–27., available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3518746/>). The same study found adults in the group who had experienced childhood sexual abuse were more than twice as likely as those not having experienced sexual abuse as children to have mental health disorders, conduct disorders, and to have attempted suicide.

In a very well-known study of various sorts of, trauma experienced by children, in which childhood sexual abuse was a common component of what Felitti and others described as adverse childhood experiences (ACEs), the number of ACEs correlated strongly with poorer health outcomes, both mental (including substance use disorders) and physical. (Felitti VJ, et al. The relationship of adult health status to childhood abuse and household dysfunction. *American Journal of Preventive Medicine*. 1998; 14:245-258) Prosecution of those perpetrating these all too common crimes may result in some degree of relief for those having suffered them, even if it comes many years later after the damage has been done.

As noted by AOC, “Child victims frequently do not discover the relationship of their psychological injuries to the abuse until well into adulthood -- usually during the course of psychological counseling or therapy. They may not even discover the fact of such abuse until they undergo such therapy.” National Conference of State Legislatures, State Civil Statutes of Limitations in Child Sexual Abuse Cases, 5/30/2017, www.ncsl.org/research/human-services/state-civil-statutes-of-limitations-in-child-sexua.aspx#chart (accessed January 18, 2019).”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Some cases of child sexual abuse would not be brought to trial if the victim only discovered the effect of previous child sexual abuse after the statute of limitations under current definition had expired.

LAC/sb