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SENATE BILL 97

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Jeff Steinborn

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 30-9-11 NMSA 1978, prosecution for these crimes may

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1 commence at any time after the occurrence of the crime and  
2 until the alleged victim reaches the age of thirty years;  
3 provided that this subsection shall not apply to violent first  
4 degree felonies or to Paragraph (1) of Subsection G of Section  
5 30-9-11 NMSA 1978."

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

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