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SENATE BILL 310

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY
Jeff Steinborn

AN ACT

RELATING TO CRIME; INCREASING THE STATUTES OF LIMITATIONS FOR
CRIMINAL SEXUAL PENETRATION AND CRIMINAL SEXUAL CONTACT OF A
CHILD.

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 a crime against a minor pursuant to Section
18 30-9-11 NMSA 1978, prosecution may commence at any time after
19 the occurrence of the crime until the alleged victim reaches
20 the age of thirty-five; provided that this subsection shall not
21 apply to violent first degree felonies or to Paragraph (1) of
22 Subsection G of Section 30-9-11 NMSA 1978;

23 I. for a crime against a minor pursuant to Section
24 30-9-13 NMSA 1978, prosecution may commence at any time after
25 the occurrence of the crime until the alleged victim reaches

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1 the age of thirty;

2 [H.] J. for any crime not contained in the Criminal
3 Code or where a limitation is not otherwise provided for,
4 within three years from the time the crime was committed; and

5 [I.] K. for a capital felony or a first degree
6 violent felony, no limitation period shall exist and
7 prosecution for these crimes may commence at any time after the
8 occurrence of the crime."

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

11 "30-1-9.1. OFFENSES AGAINST CHILDREN--TOLLING OF STATUTE
12 OF LIMITATIONS.--The applicable time period for commencing
13 prosecution pursuant to Section 30-1-8 NMSA 1978 shall not
14 commence to run for an alleged violation of Section 30-6-1
15 [~~30-9-11 or 30-9-13~~] NMSA 1978 until the victim attains the age
16 of eighteen or the violation is reported to a law enforcement
17 agency, whichever occurs first."