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HOUSE BILL 140

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

William "Bill" R. Rehm and Marian Matthews

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR NO TIME LIMITATION FOR PROSECUTING 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:

A. for a second degree felony, except for murder in the second degree, 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
21 violent felony or murder in the second degree, no limitation
22 period shall exist and prosecution for these crimes may
23 commence at any time after the occurrence of the crime."

24 SECTION 2. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2022.

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