

1 HOUSE BILL 333

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Eliseo Lee Alcon

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10 AN ACT

11 RELATING TO CIVIL RIGHTS; AMENDING THE NEW MEXICO CIVIL RIGHTS
12 ACT TO MODIFY THE STATUTE OF LIMITATIONS AND NOTICE
13 REQUIREMENTS.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 41-4A-1 NMSA 1978 (being Laws 2021,
17 Chapter 119, Section 1) is amended to read:

18 "41-4A-1. SHORT TITLE.--~~[This act]~~ Chapter 41, Article 4A
19 NMSA 1978 may be cited as the "New Mexico Civil Rights Act"."

20 SECTION 2. Section 41-4A-7 NMSA 1978 (being Laws 2021,
21 Chapter 119, Section 7) is amended to read:

22 "41-4A-7. STATUTE OF LIMITATIONS AND ABATEMENT.--A claim
23 made pursuant to the New Mexico Civil Rights Act shall be
24 commenced no later than three years from the date on which a
25 potential claimant has received legal advice from a licensed

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1 attorney regarding the potential claimant's ability to bring a
2 claim [~~can be brought~~] for the deprivation of a right,
3 privilege or immunity pursuant to the bill of rights of the
4 constitution of New Mexico unless a longer statute of
5 limitations is otherwise provided by state law."

6 SECTION 3. Section 41-4A-13 NMSA 1978 (being Laws 2021,
7 Chapter 119, Section 13) is amended to read:

8 "41-4A-13. NOTICE OF CLAIMS.--

9 A. Every person who claims damages from an act or
10 omission of a certified law enforcement officer under the New
11 Mexico Civil Rights Act shall cause to be presented to the
12 certified law enforcement officer's agency or department,
13 within one year after [~~an occurrence giving rise to~~] consulting
14 a licensed attorney regarding the person's ability to assert a
15 claim under the New Mexico Civil Rights Act, a written notice
16 stating the time, place and circumstances of the loss or
17 injury.

18 B. No suit or action for which immunity has been
19 waived under the New Mexico Civil Rights Act shall be
20 maintained, and no court shall have jurisdiction to consider
21 any suit or action against the state or any local public body,
22 unless notice has been given as required by this section or
23 unless the governmental entity had actual notice of the
24 occurrence. [~~The time for giving notice does not include the~~
25 ~~time, not exceeding one year, during which the injured person~~

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1 ~~is incapacitated from giving the notice by reason of injury.~~

2 ~~G. When a claim for which immunity has been waived~~
3 ~~under the New Mexico Civil Rights Act is one for wrongful~~
4 ~~death, the required notice may be presented by, or on behalf~~
5 ~~of, the personal representative of the deceased person or any~~
6 ~~person claiming benefits of the proceeds of a wrongful death~~
7 ~~action, or the consular officer of a foreign country of which~~
8 ~~the deceased was a citizen, within one year and six months~~
9 ~~after the date of the occurrence of the injury that resulted in~~
10 ~~the death, but if the person for whose death the claim is made~~
11 ~~has presented a notice that would have been sufficient had the~~
12 ~~person lived, an action for wrongful death may be brought~~
13 ~~without any additional notice.]"~~

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