

LFC Requester:

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/19/25 *Check all that apply:*
Bill Number: HB 73 Original Correction
 Amendment Substitute

Sponsor: Rep. Elizabeth "Liz" Thomson **Agency Name and Code:** AOC
Short Title: Childhood Sexual Abuse State of Limitations **Number:** 218
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 73 amends Section 37-1-30 NMSA 1978 to permit an action for damages based on personal injury caused by childhood sexual abuse to be commenced at any time.

New Subsection D provides that Section 37-1-30 is retroactive and applies to all actions not currently pending based upon childhood sexual abuse regardless of the date of the childhood sexual abuse and regardless of whether any statute of limitations on such actions expired prior to the effective date of the Act.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the increase in the number of actions brought pursuant to Section 37-1-30 NMSA 1978 and appeals from awards of damages. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

Additionally, the elimination of the statute of limitation could result in dated or “stale” evidence that requires more careful vetting by judges and defendants, which in turn results in lengthier, more complex trials and appeals that require a greater commitment of the judicial branch’s fiscal and administrative resources.

SIGNIFICANT ISSUES

1) The HB 73 amendment eliminating the time limitation for commencing actions is likely to result in more actions for damages being commenced. More actions will require additional judge time, courtroom staff time, courtroom availability and jury fees.

Additionally, the elimination of the statute of limitation could result in dated or “stale” evidence that requires more careful vetting by judges and defendants, which in turn results in lengthier, more complex trials and appeals that require a greater commitment of the judicial branch’s fiscal and administrative resources.

2) Current law in Section 37-1-30 NMSA 1978 gives two alternatives for determination of statute of limitations, the latest of which governs:

- 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.

3) Section 37-1-30(B) NMSA 1978 defines “childhood sexual abuse” to mean conduct that, if prosecuted in a criminal matter, would constitute a violation of:

- (1) criminal sexual penetration of a minor, pursuant to Section 30-9-11 NMSA 1978
- (2) criminal sexual contact of a minor, pursuant to Section 30-9-13; or

(3) the Sexual Exploitation of Children Act, Section 30-6A-1 NMSA 1978 et. seq

4) According to the National Conference of State Legislatures (NCSL)

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.

State Civil Statutes of Limitations in Child Sexual Abuse Cases, 5/30/2017, www.ncsl.org/research/humanservices/state-civil-statutes-of-limitations-in-child-sexua.aspx#chart

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See "Fiscal Implications," above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS