

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2025-01-15

Bill No: HB73

Sponsor(s) Elizabeth "Liz" Thomson
:

Agency Name CYFD 69000
and Code
Number:

Person Writing

Analysis:

Phone:

Short CHILDHOOD SEXUAL
Title: ABUSE STATUTE OF
LIMITATIONS

Email:

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

This bill changes the statute of limitations on actions for damages to childhood sexual abuse by amending Section 37-1-30 NMSA 1978 (being Laws 1993, Chapter 136, Section 1). Currently an action for damages based on personal injury caused by childhood sexual abuse shall be commenced by a victim before the latest of the following: the first instant of the person's 24th birthday or 3 years from the date that a person first disclosed childhood sexual abuse to a licensed provider.

It amends the statute by:

- a. removing the time limitation of when a victim may file for personal injury damages caused by childhood sexual abuse allowing the victim to seek personal damages at any time.

- b. This section is retroactive and applies to all actions not currently pending based on 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 this 2025 act

FISCAL IMPLICATIONS

Lawsuits for CISC or if the court deems CYFD failed to protect the child, could increase.

The impact would be a significant increase to the agency expenditures related to our liability rates. CYFD is obligated to pay a liability rate to the General Services Division based on the dollar amount of settlements paid out from prior

years. For example, the agency rate increased by \$1.4 million from FY24 to FY25. CYFD and GSD would not be able to properly project or fund this mandate for unforeseen periods of time.

SIGNIFICANT ISSUES

This change is consistent with current knowledge around the disclosure of traumatic childhood events such as child sexual abuse. A person subjected to sexual abuse as a child may not be ready to remember or process the trauma until later in adulthood. Alternatively, a young child may disclose enough to a medical or mental health provider to trigger a reporting event, but not be ready or old enough to verbalize a disclosure with the detail and clarity needed to support a cause of action. The long-term impact on a child may also be better assessed later in life.

Removing the statute of limitations (SOL) on rape cases is a complex issue that raises several legal, practical, and ethical concerns. There are Due Process concerns. The accused may face difficulties defending themselves years or decades after an alleged incident due to lost evidence, unavailable witnesses, or faded memories. This can undermine the fairness of a trial. If the SOL is eliminated retroactively, individuals who previously had immunity due to expired SOLs could be prosecuted, potentially raising constitutional issues under the ex post facto clause. While removing the SOL on rape cases underscores the seriousness of the crime and supports survivors' rights, these changes must be accompanied by safeguards to ensure fair trials, preserve evidence, and allocate resources effectively.

PERFORMANCE IMPLICATIONS

HB 73 has the potential to involve CYFD in additional lawsuits that would have otherwise been barred per the original statute of limitations. This impact could then lead to significant additional litigation costs and potential damages levied against CYFD. Additional litigation would also have the downstream effect of creating a further burden on CYFD legal staff and general resources.

ADMINISTRATIVE IMPLICATIONS

Depending on the number of retro requests that arise, we could need additional staff.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.