

LFC Requester:	Sanchez, Scott
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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: 1/28/25 *Check all that apply:*
Bill Number: SB 94 Original Correction
 Amendment Substitute

Sponsor: Sen. Jeff Steinborn **Agency Name and Code** AOC
Short Title: Statute of Limitations for Certain Sex Crimes **Number:** 218
Person Writing Kathleen Sabo
Phone: 505-470-3214 **Email** aoccaj@nmcourts.gov

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: Conflicts with HB 86 and SB 74 (also amending Section 30-1-8 NMSA 1978).

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 94 amends Section 30-1-8 NMSA 1978, governing time limitations for commencing prosecution, to set the time limitation for commencing prosecution for the crime of criminal sexual penetration of a minor (Section 30-9-11 NMSA 1978) to permit a prosecution to commence at any time after the occurrence of the crime until the alleged victim reaches the age of thirty-five (35). The amendment further provides that this limitation shall not apply to violent first degree felonies or to Section 30-9-11(G)(1) NMSA 1978.

SB 94 also amends Section 30-1-9.1 NMSA 1978, governing offenses against children and the tolling of statute of limitations, to add an alleged violation of Section 30-9-11(G)(1) NMSA 1978 to the list of offenses for which the applicable time period for commencing prosecution shall not commence until the victim attains the age of eighteen (18) or the violation is reported to a law enforcement agency, whichever occurs first.

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 enforcement of this law and commenced prosecutions, and appeals from convictions. 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.

The extension and elimination of time limitations for commencing prosecutions are likely to result in more prosecutions and potentially in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

Additionally, the expanded statutes 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 SB 94 amendments extending and eliminating time limitations for commencing prosecutions are likely to result in more prosecutions and potentially in more defendants invoking their right to trials, as well as to jury trials. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. Indigent offenders are entitled to public defender services.

Additionally, the expanded statutes 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) SB 94 does not contain a requirement that the prosecution act diligently in bringing charges against a defendant for those crimes for which there is a long statute of limitations. Excluding standards of diligence is problematic when considering that evidence brought forth in these cases is more likely to have deteriorated with the passage of time. Convictions based upon stale or now unavailable testimonial evidence may be challenged as in violation of the Confrontation Clause of the Sixth Amendment to the U.S. Constitution and Section 14 of the New Mexico Constitution."

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