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HOUSE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR A SIX-YEAR TIME  
LIMITATION FOR PROSECUTING A FIRST DEGREE FELONY FOR  
TRAFFICKING CONTROLLED SUBSTANCES; 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;

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1 B. for a third or fourth degree felony, within five  
2 years from the time the crime was committed;

3 C. for a misdemeanor, within two years from the  
4 time the crime was committed;

5 D. for a petty misdemeanor, within one year from  
6 the time the crime was committed;

7 E. for any crime against or violation of Section  
8 51-1-38 NMSA 1978, within three years from the time the crime  
9 was committed;

10 F. for a felony pursuant to Section 7-1-71.3,  
11 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the  
12 crime was committed; provided that for a series of crimes  
13 involving multiple filing periods within one calendar year, the  
14 limitation shall begin to run on December 31 of the year in  
15 which the crimes occurred;

16 G. for an identity theft crime pursuant to Section  
17 30-16-24.1 NMSA 1978, within five years from the time the crime  
18 was discovered;

19 H. for trafficking controlled substances that  
20 amounts to a first degree felony pursuant to Section 30-31-20  
21 NMSA 1978, within six years from the time the crime was  
22 committed;

23 [H.] I. for any crime not contained in the Criminal  
24 Code or where a limitation is not otherwise provided for,  
25 within three years from the time the crime was committed; and

.221278.2

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[~~F.~~] J. for a capital felony [~~or~~], a first degree violent felony or murder in the second degree, no limitation period shall exist and prosecution for these crimes may commence at any time after the occurrence of the crime."

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