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SENATE BILL 94

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Jeff Steinborn

AN ACT

RELATING TO CRIME; INCREASING THE STATUTES OF LIMITATIONS FOR
CRIMINAL SEXUAL PENETRATION.

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, within six years
from the time the crime was committed;

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

C. for a misdemeanor, within two years from the

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1 time the crime was committed;

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

4 E. for any crime against or violation of Section
5 51-1-38 NMSA 1978, within three years from the time the crime
6 was committed;

7 F. for a felony pursuant to Section 7-1-71.3,
8 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the
9 crime was committed; provided that for a series of crimes
10 involving multiple filing periods within one calendar year, the
11 limitation shall begin to run on December 31 of the year in
12 which the crimes occurred;

13 G. for an identity theft crime pursuant to Section
14 30-16-24.1 NMSA 1978, within five years from the time the crime
15 was discovered;

16 H. for a crime against a minor pursuant to Section
17 30-9-11 NMSA 1978, prosecution may commence at any time after
18 the occurrence of the crime until the alleged victim reaches
19 the age of thirty-five; provided that this subsection shall not
20 apply to violent first degree felonies or to Paragraph (1) of
21 Subsection G of Section 30-9-11 NMSA 1978;

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

25 [~~F.~~] J. for a capital felony, a first degree

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1 violent felony or second degree murder pursuant to Subsection B
2 of Section 30-2-1 NMSA 1978, no limitation period shall exist
3 and prosecution for these crimes may commence at any time after
4 the occurrence of the crime."

5 SECTION 2. Section 30-1-9.1 NMSA 1978 (being Laws 1987,
6 Chapter 117, Section 1) is amended to read:

7 "30-1-9.1. OFFENSES AGAINST CHILDREN--TOLLING OF STATUTE
8 OF LIMITATIONS.--The applicable time period for commencing
9 prosecution pursuant to Section 30-1-8 NMSA 1978 shall not
10 commence to run for an alleged violation of Section 30-6-1,
11 30-9-11 or 30-9-13 NMSA 1978 or of Paragraph (1) of Subsection
12 G of Section 30-9-11 NMSA 1978 until the victim attains the age
13 of eighteen or the violation is reported to a law enforcement
14 agency, whichever occurs first."