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HOUSE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR A SIX-YEAR TIME
LIMITATION FOR PROSECUTING FIRST DEGREE FELONY TRAFFICKING
CONTROLLED SUBSTANCES; PROVIDING NO TIME LIMITATION FOR
PROSECUTING OTHER FIRST DEGREE FELONIES OR 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, and for trafficking controlled substances

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1 that amounts to a first degree felony pursuant to Section
2 30-31-20 NMSA 1978, within six years from the time the crime
3 was committed;

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

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

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

10 E. for any crime against or violation of Section
11 51-1-38 NMSA 1978, within three years from the time the crime
12 was committed;

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

19 G. for an identity theft crime pursuant to Section
20 30-16-24.1 NMSA 1978, within five years from the time the crime
21 was discovered;

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

25 I. for a capital felony [~~or~~], a first degree

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1 violent felony or murder in the second degree, no limitation
2 period shall exist and prosecution for these crimes may
3 commence at any time after the occurrence of the crime."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2021.

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