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HOUSE BILL 25

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIMINAL LAW; EXTENDING THE TIME LIMITATION FOR  
PROSECUTING THE CRIMES OF CONSPIRACY AND TAMPERING WITH  
EVIDENCE TO COINCIDE WITH THE TIME LIMITATION FOR THE  
UNDERLYING CRIME; CLARIFYING THE TIME LIMITATION FOR  
PROSECUTING A FIRST DEGREE FELONY.

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.--

~~[No]~~ 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 ~~[therefor]~~ within the time as  
provided:

A. for a second degree felony, within six years

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1 from the time the crime was committed;

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

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

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

8 E. for the crime of conspiracy, within the same  
9 time period as the crime conspired to be committed would be  
10 prosecuted;

11 F. for the crime of tampering with evidence, within  
12 the same time period as the crime for which the tampering with  
13 evidence was committed would be prosecuted;

14 [~~E.~~] G. for any crime against or violation of  
15 Section 51-1-38 NMSA 1978, within three years from the time the  
16 crime was committed;

17 [~~F.~~] H. for a felony pursuant to [~~Sections~~] Section  
18 7-1-71.3, 7-1-72 or 7-1-73 NMSA 1978 [~~or Section 4 of this 2005~~  
19 ~~act~~], within five years from the time the crime was committed;  
20 provided that for a series of crimes involving multiple filing  
21 periods within one calendar year, the limitation shall begin to  
22 run on December 31 of the year in which the crimes occurred;

23 [~~G.~~] 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

.174368.1

1                   [~~H.~~] J. for a capital felony or a first degree  
2     [~~violent~~] felony, no limitation period shall exist and  
3     prosecution for these crimes may commence at any time after the  
4     occurrence of the crime."

5                   Section 2. EFFECTIVE DATE.--The effective date of the  
6     provisions of this act is July 1, 2009.

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