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HOUSE BILL 115

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Antonio "Moe" Maestas and Monica Youngblood

AN ACT

RELATING TO CRIMINAL PROCEDURE; PROVIDING NO TIME LIMITATION  
FOR PROSECUTION OF 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;

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

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

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

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

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

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

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

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

24 SECTION 2. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2018.

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