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## FISCAL IMPACT REPORT

SPONSOR Matthews/Ivey-Soto ORIGINAL DATE 2/1/2020  
LAST UPDATED 2/14/2020 HB 302/aHF1#1  
SHORT TITLE Child Sexual Abuse Statute of Limitations SB \_\_\_\_\_  
ANALYST Bachechi

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Attorney General (NMAG)

Public Defender Department (PDD)

### SUMMARY

#### Synopsis of House Floor #1 Amendment

The House Floor #1 amendment changes the file by date from December 31 to July 1, 2021 in the bill's temporary provision (Section 2) that allows certain cases otherwise time barred to be revived. The amendment further edits the language in Section 2 to clarify that the temporary provision for filing time barred cases "only" applies to case that were barred because of the 2017 amendments to Section 37-1-30 NMSA 1978.

#### Synopsis of Original Bill

House Bill 302 amends NMSA 1978, Section 37-1-30, governing the statute of limitations for civil actions based on childhood sexual abuse. Currently, such claims must be initiated before the later of two dates: the claimant's 24th birthday or three years after the claimant first disclosed the childhood sexual abuse to a licensed medical or mental health care provider.

HB 302 redefines the limitations on actions as follows:

1. Retains "before the claimant's 24th birthday."
2. Amends the limitation of three-years after disclosure to a health care provider to three years from the date a person "knew or had reason to know of the childhood sexual

abuse,” and that the abuse resulted in an injury “as established by competent medical or psychology testimony.”

3. Allows for claims without any time limitations when “the personal injury was caused by an agent of a defendant who was provided substantial power or authority over the lives or livelihood of minor children and at the time the injury occurred had a routine practice of negligently hiring or supervising its agents.” This provision requires that the injury incurred in New Mexico and the injured person was a resident of New Mexico at the time of injury. Furthermore, when a defense motion or responsive pleading based on the statute of limitations is filed, HB 302 requires a court to determine by clear and convincing evidence that the requirements of this section are met.

The bill provides that the provisions of this section apply to any injury by childhood sexual abuse at any time, including behavior antedating this section or any subsequent amendments, and makes the provisions of Section 37-1-10, that extends the time limit for minors to file an action for one additional year after the minor reaches adulthood, inapplicable to actions for child sexual abuse.

Section 2 of the bill allows cases that would otherwise be time barred as a result of the 2017 amendments to Section 37-1-30 to be revived provided that the action is commenced prior to December 31, 2021.

### **FISCAL IMPLICATIONS**

There are no fiscal implications noted.

CLB/al/rl