

1 SENATE BILL 117

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

3 INTRODUCED BY

4 Katy M. Duhigg

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10 AN ACT

11 RELATING TO LIMITATIONS OF ACTIONS; ELIMINATING THE STATUTE OF
12 LIMITATIONS FOR ACTIONS FOR DAMAGES DUE TO CHILDHOOD SEXUAL
13 ABUSE; APPLYING THE ELIMINATION OF THE STATUTE OF LIMITATIONS
14 FOR ACTIONS FOR DAMAGES DUE TO CHILDHOOD SEXUAL ABUSE
15 RETROACTIVELY.

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 37-1-30 NMSA 1978 (being Laws 1993,
19 Chapter 136, Section 1, as amended) is amended to read:

20 "37-1-30. ACTION FOR DAMAGES DUE TO CHILDHOOD SEXUAL
21 ABUSE--LIMITATION ON ACTIONS.--

22 A. An action for damages based on personal injury
23 caused by childhood sexual abuse [~~shall be commenced by a~~
24 ~~person before the latest of the following dates:~~

25 ~~(1) the first instant of the person's twenty-~~

1 ~~fourth birthday; or~~

2 ~~(2) three years from the date that a person~~
3 ~~first disclosed the person's childhood sexual abuse to a~~
4 ~~licensed medical or mental health care provider in the context~~
5 ~~of receiving health care from the provider] may be commenced at~~
6 any time.

7 B. As used in this section, "childhood sexual
8 abuse" means conduct that, if prosecuted in a criminal matter,
9 would constitute a violation of:

10 (1) Section 30-9-11 NMSA 1978, regarding
11 criminal sexual penetration of a minor;

12 (2) Section 30-9-13 NMSA 1978, regarding
13 criminal sexual contact of a minor; or

14 (3) the Sexual Exploitation of Children Act.

15 C. The provisions of Section 37-1-8 NMSA 1978 and
16 any statutes of limitation therein shall not apply to causes of
17 action for childhood sexual abuse.

18 D. This section is retroactive and applies to all
19 actions not currently pending based upon childhood sexual abuse
20 regardless of the date of the childhood sexual abuse and
21 regardless of whether the statute of limitations on such
22 actions expired prior to the effective date of this section.

23 E. An action based upon childhood sexual abuse,
24 including an action arising before, on or after May 28, 2022,
25 that was barred or dismissed due to a statute of limitations is

underscoring material = new
~~[bracketed material] = delete~~

1 revived, and the action may be commenced not earlier than six
2 months after and not later than thirty months after May 28,
3 2022.

4 F. This section does not apply to a claim that has
5 been litigated to finality on the merits in any court of
6 competent jurisdiction before May 28, 2022."