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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Siah Correa Hemphill

AN ACT

RELATING TO CRIME; PROVIDING NO TIME LIMITATIONS FOR COMMENCING
A PROSECUTION FOR CRIMINAL SEXUAL PENETRATION OF A MINOR AND
CRIMINAL SEXUAL CONTACT OF A MINOR; PROVIDING A FIFTEEN-YEAR
TIME LIMITATION FOR COMMENCING A PROSECUTION FOR CRIMINAL
SEXUAL PENETRATION IN THE SECOND DEGREE.

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, within six years
from the time the crime was committed;

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

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

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

7 E. for any crime against or violation of Section
8 51-1-38 NMSA 1978, within three years from the time the crime
9 was committed;

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

16 G. for an identity theft crime pursuant to Section
17 30-16-24.1 NMSA 1978, within five years from the time the crime
18 was discovered;

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

22 I. for a capital felony, a first degree violent
23 felony or second degree murder pursuant to Subsection B of
24 Section 30-2-1 NMSA 1978, no limitation period shall exist and
25 prosecution for these crimes may commence at any time after the

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occurrence of the crime;

J. for a crime against a child under eighteen years of age in violation of Subsection E of Section 30-9-11 NMSA 1978 or Subsection B of Section 30-9-13 NMSA 1978, no limitation shall exist and prosecution of these crimes may commence at any time after the occurrence of the crime; and

K. for a crime of criminal sexual penetration in the second degree pursuant to Subsection E of Section 30-9-11 NMSA 1978 against an adult, within fifteen years from the time the crime was committed."