

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 29 January 2025 *Check all that apply:*
Bill Number: SB 94 Original Correction
Amendment Substitute

Sponsor: Steinborn **Agency Name and Code** NM Sentencing Commission -- 354
Short Title: Statute of Limitations for Certain Sex Crimes **Number:** _____
Person Writing Douglas Carver
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 94 amends Section 30-1-8 NMSA 1978, regarding the time limitations to commence prosecutions, so that for a crime against a “minor” (in the words of the change) under the criminal sexual penetration statute, prosecutions may commence at any time after the occurrence of the crime until the victim reaches 35. The new statute of limitations would not apply to violent first degree felonies, or to the c.s.p. fourth provision at Section 30-9-11(G)(1) which covers a crime perpetrated on a child from 13-16 when the perpetrator is at least 18 and at least four years older than the child, and not the spouse of that child.

Additionally, SB 94 amends Section 30-1-9.1, regarding the tolling of the statute of limitations for crimes against children, by adding “Paragraph (1) of Subsection G of Section 30-9-11 NMSA 1978” to the list of statutes where the time period for commencing prosecution does not run until the victim is 18 or the violation is reported to a law enforcement agency.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

SB 94 uses the term “minor”, so presumably this statute would apply to any victim under the age of 18. It should be noted that the term “minor” does not appear in the c.s.p. statute, Section 30-9-11. That statute differentiates between the ages 0 to 13, and 13 to 18. Additionally, the exception for “violent first degree felonies” mirrors language elsewhere in the Section 30-1-8, but does not match how the c.s.p. statute is framed. It would be clearer if this change to the statute of limitations for most crimes in Section 30-9-11 used the same language as that in the statute and tracked the precise crimes delineated in the statute.

The amendment to Section 30-1-9.1 in Section 2 of SB 94, concerning the tolling of the statute of limitations, is unnecessary as it adds Paragraph (1) of Subsection G of Section 30-9-11, but the entirety of Section 30-9-11 is already tolled in that section of law, so the additional language is redundant.

Having a criminal statute of limitations running until a given victim reaches a certain age is an unusual approach. That would mean for a 13-year old the statute of limitations would be 22 years, while for a one-year old the statute of limitations would be 34 years. Generally, there is

either a fixed statute of limitations for a particular crime, or there is no statute of limitations. It is also not clear what significance the age of 35 has.

It is difficult to determine what the effect of passing SB 94 would be on the state's prison population, but the penalties included in the bill could lead to more people being incarcerated by the Corrections Department as the time for prosecution to commence for many of the crimes encompassed in Section 30-9-11 would be greatly expanded. The average per day cost to incarcerate someone in the state's prison system is \$155.63/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS