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| LFC Requester: | <i>Scott Sanchez</i> |
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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: 1/29/25 *Check all that apply:*
Bill Number: SB 94 Original Correction
 Amendment Substitute

Sponsor: J. Steinborn **Agency Name and Code:** NM CVRC/ 78000
Short Title: Statute of Limitations For Certain Sex Crimes **Number:** _____
Person Writing: Claire Harwell/Frank Zubia
Phone: 505-553-1223 **Email:** Frank.Zubia@cvrc.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25 | FY26 | | |
| 0 | 0 | 0 | 0 |
| | | | |

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| 0 | 0 | 0 | 0 | 0 |
| | | | | |

(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 | 0 | 0 | 0 | 0 | 0 | n/a |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB 73, SB 74
Duplicates/Relates to Appropriation in the General Appropriation Act: n/a

SECTION III: NARRATIVE

BILL SUMMARY

The bill amends existing law in 30-1-8 NMSA to enlarge timelimits to initiate prosecution of the following criminal sexual penetration (CSP) crimes until the victim reaches the age of thirty-five:

- *CSP through use of force or coercion on a victim aged thirteen to eighteen,*
- *CSP on a juvenile inmate perpetrated by a person in a position of authority over the inmate,*
- *CSP through use of force or coercion resulting in victim injury,when the injury is not great bodily harm,*
- *CSP through use of force or coercion when there are multiple offenders,*
- *CSP by a school employee or volunteer when the victim is a student.*

The amendment excludes statutory rape which has a shorter time limitation for prosecution, and rape with great bodily harm, rape in the commission of another felony, rape when armed with a deadly weapon and all rapes of children under age 13 which would have no statutes of limitation.

The bill re-letters subsections to add the new subsections.

The bill amends the existing tolling statute at 30-1-9.1 NMSA for initiation of prosecution of statutory rape to permit the time to be tolled until the victim reaches her/his eighteenth birthday or reports to law enforcement.

Synopsis:

The bill permits a longer period to elapse for prosecution of criminal sexual penetration crimes.

FISCAL IMPLICATIONS

None for CVRC.

Note: major assumptions underlying fiscal impact should be documented.

CVRC will process a victim compensation claim filed within a reasonable time measured from a disclosure of the crime to a medical or mental health provider or tribal health provider.

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

SIGNIFICANT ISSUES

Many childhood sex offenses are not disclosed at the time of the offense. Permitting later prosecution of these crimes may minimize trauma to crime victims and hold offenders accountable.

PERFORMANCE IMPLICATIONS

None noted for CVRC.

ADMINISTRATIVE IMPLICATIONS

None noted for CVRC.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 73 retroactively removes statutes of limitations for civil remedies for crimes against children. SB 74 also amends 30-1-8 by adding human trafficking offenses to the list of offenses for which there is no statute of limitations.

TECHNICAL ISSUES

The amendments to 30-1-8 NMSA seem to this author to be tolling language that might fit more closely with the purpose and language of 30-1-9.1 NMSA.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None suggested.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

These offenses would need to be prosecuted within much shorter time periods.

AMENDMENTS

None suggested.