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HOUSE BILL 28

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING THAT THE STATUTE OF
LIMITATIONS FOR COMMENCING PROSECUTION FOR CRIMINAL SEXUAL
PENETRATION SHALL BEGIN TO RUN ANEW AFTER A SUBSEQUENT CRIMINAL
SEXUAL PENETRATION IS COMMITTED.

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;

B. for a third or fourth degree felony, within five

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1 years from the time the crime was committed;

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

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

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

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

15 G. for a felony pursuant to Section 30-9-11 NMSA
16 1978 that is not a first degree violent felony, within six
17 years from the time the crime was committed; provided that for
18 more than one offense pursuant to Section 30-9-11 NMSA 1978,
19 the time limitation shall begin to run anew after each
20 subsequent offense is committed;

21 [~~G.~~] H. for an identity theft crime pursuant to
22 Section 30-16-24.1 NMSA 1978, within five years from the time
23 the crime was discovered;

24 [~~H.~~] I. for any crime not contained in the Criminal
25 Code or where a limitation is not otherwise provided for,

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