

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 28

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

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
VIOLATION IS COMMITTED.

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

SECTION 1. Section 30-1-9.2 NMSA 1978 (being Laws 2003,
Chapter 257, Section 1) is amended to read:

"30-1-9.2. CRIMINAL SEXUAL PENETRATION--TOLLING OF
STATUTE OF LIMITATIONS--MULTIPLE VIOLATIONS.--

A. When DNA evidence is available and a suspect has
not been identified, the applicable time period for commencing
a prosecution pursuant to Section 30-1-8 NMSA 1978 shall not
commence to run for an alleged violation of Section 30-9-11
NMSA 1978 until a DNA profile is matched with a suspect.

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1 B. If a defendant is charged with more than one
2 violation of Section 30-9-11 NMSA 1978, the applicable time
3 period for commencing prosecution pursuant to Section 30-1-8
4 NMSA 1978 for a prior offense shall begin to run anew after
5 each subsequent offense is committed.

6 ~~[B-]~~ C. As used in this section, "DNA" means
7 deoxyribonucleic acid."

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