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HOUSE BILL 152

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

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIMINAL LAW; EXTENDING THE TIME LIMITATION FOR PROSECUTING THE CRIMES OF CONSPIRACY AND TAMPERING WITH EVIDENCE TO COINCIDE WITH THE TIME LIMITATION FOR THE UNDERLYING CRIME; PROVIDING A TEN-YEAR TIME LIMITATION FOR PROSECUTING A FIRST DEGREE FELONY; PROVIDING NO TIME LIMITATION FOR PROSECUTING CERTAIN VIOLENT FELONIES.

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. 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:

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1 (1) for a first degree felony, within ten
2 years from the time the crime was committed;

3 ~~[A-]~~ (2) for a second degree felony, within
4 six years from the time the crime was committed;

5 ~~[B-]~~ (3) for a third or fourth degree felony,
6 within five years from the time the crime was committed;

7 ~~[C-]~~ (4) for a misdemeanor, within two years
8 from the time the crime was committed;

9 ~~[D-]~~ (5) for a petty misdemeanor, within one
10 year from the time the crime was committed;

11 (6) for the crime of conspiracy, within the
12 same time period as the crime conspired to be committed would
13 be prosecuted;

14 (7) for the crime of tampering with evidence,
15 within the same time period as the crime for which the
16 tampering with evidence was committed would be prosecuted;

17 ~~[E-]~~ (8) for any crime against or violation of
18 Section 51-1-38 NMSA 1978, within three years from the time the
19 crime was committed;

20 ~~[F-]~~ (9) for a felony pursuant to Section
21 7-1-71.3, 7-1-72 or 7-1-73 NMSA 1978, within five years from
22 the time the crime was committed; provided that for a series of
23 crimes involving multiple filing periods within one calendar
24 year, the limitation shall begin to run on December 31 of the
25 year in which the crimes occurred;

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1 [~~G.~~] (10) for an identity theft crime pursuant
2 to Section 30-16-24.1 NMSA 1978, within five years from the
3 time the crime was discovered;

4 [~~H.~~] (11) for any crime not contained in the
5 Criminal Code or where a limitation is not otherwise provided
6 for, within three years from the time the crime was committed;
7 and

8 [~~I.~~] (12) for a capital felony or a [~~first~~
9 ~~degree~~] violent felony, no limitation period shall exist and
10 prosecution for these crimes may commence at any time after the
11 occurrence of the crime.

12 B. As used in this section, "violent felony" means:

13 (1) a first degree felony provided in any of
14 the following articles in the Criminal Code:

15 (a) homicide, Chapter 30, Article 2 NMSA
16 1978;

17 (b) kidnapping, Chapter 30, Article 4
18 NMSA 1978;

19 (c) crimes against children and
20 dependents, Chapter 30, Article 6 NMSA 1978;

21 (d) sexual exploitation of children,
22 Chapter 30, Article 6A NMSA 1978;

23 (e) sexual offenses, Chapter 30, Article
24 9 NMSA 1978; or

25 (f) human trafficking, Chapter 30,

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Article 52 NMSA 1978; or
(2) murder in the second degree, as provided
in Section 30-2-1 NMSA 1978."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2011.