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HOUSE BILL 31

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

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 SECOND DEGREE MURDER.

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 first degree felony, within ten years from

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1 the time the crime was committed;

2 [A-] B. for a second degree felony, within six
3 years from the time the crime was committed;

4 [B-] C. for a third or fourth degree felony, within
5 five years from the time the crime was committed;

6 [G-] D. for a misdemeanor, within two years from
7 the time the crime was committed;

8 [D-] E. for a petty misdemeanor, within one year
9 from the time the crime was committed;

10 F. for the crime of conspiracy, within the same
11 time period as the crime conspired to be committed would be
12 prosecuted;

13 G. for the crime of tampering with evidence, within
14 the same time period as the crime for which the tampering with
15 evidence was committed would be prosecuted;

16 [E-] H. for any crime against or violation of
17 Section 51-1-38 NMSA 1978, within three years from the time the
18 crime was committed;

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

25 [G-] J. for an identity theft crime pursuant to

.187941.1

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1 Section 30-16-24.1 NMSA 1978, within five years from the time
2 the crime was discovered;

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

6 [I.] L. for a capital felony or [~~a first degree~~
7 ~~violent felony~~] murder in the second degree, as provided in
8 Section 30-2-1 NMSA 1978, no limitation period shall exist and
9 prosecution for these crimes may commence at any time after the
10 occurrence of the crime."

11 SECTION 2. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2012.