

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 91

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO CIVIL ACTIONS FOR CHILDHOOD SEXUAL ABUSE; REVISING
LIMITATIONS FOR AN ACTION FOR DAMAGES BASED ON PERSONAL INJURY
CAUSED BY CHILDHOOD SEXUAL ABUSE; DECLARING AN EMERGENCY.

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

SECTION 1. Section 37-1-30 NMSA 1978 (being Laws 1993,
Chapter 136, Section 1, as amended) is amended to read:

"37-1-30. ACTION FOR DAMAGES DUE TO CHILDHOOD SEXUAL
ABUSE--LIMITATION ON ACTIONS.--

A. An action for damages based on personal injury
caused by childhood sexual abuse shall be commenced by a person
before the latest of the following dates:

- (1) the first instant of the person's twenty-fourth birthday; or
- (2) three years from the date [~~of the time~~]

.207598.2

underscored material = new
[bracketed material] = delete

1 that a person [~~knew or had reason to know of~~] first disclosed
2 the person's childhood sexual abuse [~~and that the childhood~~
3 ~~sexual abuse resulted in an injury to the person, as~~
4 ~~established by competent medical or psychological testimony] to
5 a licensed medical or mental health care provider in the
6 context of receiving health care from the provider.~~

7 B. As used in this section, "childhood sexual
8 abuse" means [~~behavior~~] conduct that, if prosecuted in a
9 criminal matter, would constitute a violation of:

10 (1) Section 30-9-11 NMSA 1978, regarding
11 criminal sexual penetration of a minor;

12 (2) Section 30-9-13 NMSA 1978, regarding
13 criminal sexual contact of a minor; or

14 (3) the Sexual Exploitation of Children Act.

15 C. The provisions of Section 37-1-8 NMSA 1978 and
16 any statutes of limitation therein shall not apply to causes of
17 action for childhood sexual abuse."

18 SECTION 2. EMERGENCY.--It is necessary for the public
19 peace, health and safety that this act take effect immediately.