

HOUSE BILL 104

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

William "Bill" R. Rehm

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR A SIX-YEAR TIME
LIMITATION FOR PROSECUTING FIRST DEGREE FELONY TRAFFICKING
CONTROLLED SUBSTANCES; HCPAC → ~~EXTENDING THE TIME LIMITATION FOR
PROSECUTING THE CRIMES OF CONSPIRACY AND TAMPERING WITH
EVIDENCE TO GOINCIDE WITH THE TIME LIMITATION FOR THE
UNDERLYING CRIME;~~ ← HCPAC PROVIDING NO TIME LIMITATION FOR
PROSECUTING OTHER FIRST DEGREE FELONIES OR SECOND DEGREE
MURDER.

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

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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, except for murder in the second degree, and for first degree felony trafficking controlled substances pursuant to Section 30-31-20 NMSA 1978, within six years from the time the crime was committed;

B. for a third or fourth degree felony, within five years from the time the crime was committed;

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

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

~~HCPAC→E. for the crime of conspiracy pursuant to Section 30-28-2 NMSA 1978, within the same time period as the highest crime conspired to be committed would be prosecuted;~~

~~F. for the crime of tampering with evidence pursuant to Section 30-22-5 NMSA 1978, within the same time period as the highest crime for which the tampering with evidence was committed would be prosecuted;~~←HCPAC

[E.] HCPAC→G. E.←HCPAC for any crime against or violation of Section 51-1-38 NMSA 1978, within three years from the time the crime was committed;

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

[G.] ~~HCPAC~~→**I.** **G.**←HCPAC for an identity theft crime pursuant to Section 30-16-24.1 NMSA 1978, within five years from the time the crime was discovered;

[H.] ~~HCPAC~~→**J.** **H.**←HCPAC for any crime not contained in the Criminal Code or where a limitation is not otherwise provided for, within three years from the time the crime was committed; and

[I.] ~~HCPAC~~→**K.** **I.**←HCPAC for a capital felony [~~or~~], a first degree violent felony, except as provided in Subsection A of this section, or murder in the second degree, no limitation period shall exist and prosecution for these crimes may commence at any time after the occurrence of the crime."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.

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