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SENATE BILL 55

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

INTRODUCED BY

Jeff Steinborn

AN ACT

RELATING TO CRIMINAL JUSTICE; ABOLISHING TIME LIMITS FOR
PROSECUTING CERTAIN OFFENSES AGAINST CHILDREN; REPEALING
SECTIONS 30-1-9.1 AND 30-1-9.2 NMSA 1978 (BEING LAWS 1987,
CHAPTER 117, SECTION 1 AND LAWS 2003, CHAPTER 257, SECTION 1).

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 second degree felony, within six years
from the time the crime was committed;

B. for a third or fourth degree felony, within five

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1 years from the time the crime was committed;

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

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

6 E. for any crime against or violation of Section
7 51-1-38 NMSA 1978, within three years from the time the crime
8 was committed;

9 F. for a felony pursuant to Section 7-1-71.3,
10 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the
11 crime was committed; provided that for a series of crimes
12 involving multiple filing periods within one calendar year, the
13 limitation shall begin to run on December 31 of the year in
14 which the crimes occurred;

15 G. for an identity theft crime pursuant to Section
16 30-16-24.1 NMSA 1978, within five years from the time the crime
17 was discovered;

18 H. for any crime not contained in the Criminal Code
19 or where a limitation is not otherwise provided for, within
20 three years from the time the crime was committed; ~~and~~

21 I. for a capital felony or a first degree violent
22 felony, no limitation period shall exist and prosecution for
23 these crimes may commence at any time after the occurrence of
24 the crime; and

25 J. for a crime against a child in violation of

.211322.1

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1 Section 30-6-1, 30-9-11 or 30-9-13 NMSA 1978, no limitation
2 period shall exist and prosecution for these crimes may
3 commence at any time after the occurrence of the crime."

4 SECTION 2. REPEAL.--Sections 30-1-9.1 and 30-1-9.2 NMSA
5 1978 (being Laws 1987, Chapter 117, Section 1 and Laws 2003,
6 Chapter 357, Section 1) are repealed.