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SENATE BILL 125

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

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO CRIMINAL JUSTICE; REQUIRING A PERSON TO FILE AN ACTION FOR CHILDHOOD SEXUAL ABUSE WITHIN THREE YEARS AFTER THE PERSON KNEW OR HAD REASON TO KNOW OF THE CHILDHOOD SEXUAL ABUSE AND THAT THE CHILDHOOD SEXUAL ABUSE RESULTED IN AN INJURY TO THE PERSON; REQUIRING THAT THE PROVISIONS OF THIS ACT APPLY RETROSPECTIVELY.

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:

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

3 (2) three years from the date that a person
4 first disclosed the person's childhood sexual abuse to a
5 licensed medical or mental health care provider in the context
6 of receiving health care from the provider; or

7 (3) three years from the date of the time that
8 a person knew or had reason to know of the childhood sexual
9 abuse and that the childhood sexual abuse resulted in an injury
10 to the person, as established by competent medical or
11 psychological testimony.

12 B. As used in this section, "childhood sexual
13 abuse" means conduct that, if prosecuted in a criminal matter,
14 would constitute a violation of:

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

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

19 (3) the Sexual Exploitation of Children Act.

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

23 **SECTION 2. APPLICABILITY.**--The provisions of this act
24 apply retrospectively to every cause of action for childhood
25 sexual abuse.

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