

SENATE BILL 97

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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This document incorporates amendments that have been adopted during the current legislative session. The document 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 JUSTICE; EXTENDING TIME LIMITS FOR PROSECUTING CERTAIN OFFENSES AGAINST CHILDREN; MAKING TECHNICAL AND CONFORMING CHANGES.

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

.215338.2AIC January 31, 2020 (3:04pm)

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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 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;
- E. for any crime against or violation of Section 51-1-38 NMSA 1978, within three years from the time the crime was committed;
- F. 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. 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. 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. for a capital felony or a first degree violent

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felony, no limitation period shall exist and prosecution for these crimes may commence at any time after the occurrence of the crime; and

J. for a crime against a child in violation of Section 30-9-11 NMSA 1978, prosecution for these crimes may commence at any time after the occurrence of the crime and until the alleged victim reaches the age of thirty years; provided that this subsection shall not apply to violent first degree felonies or to Paragraph (1) of Subsection G of Section 30-9-11 NMSA 1978."

SECTION 2. Section 30-1-9.1 NMSA 1978 (being Laws 1987, Chapter 117, Section 1) is amended to read:

"30-1-9.1. OFFENSES AGAINST CHILDREN--TOLLING OF STATUTE OF LIMITATIONS.--The applicable time period for commencing prosecution pursuant to Section 30-1-8 NMSA 1978 shall not commence to run for an alleged violation of Section 30-6-1 [~~30-9-11~~] or 30-9-13 NMSA 1978 SPAC→ **or Paragraph (1) of Subsection G of Section 30-9-11 NMSA 1978**←SPAC until the victim attains the age of eighteen or the violation is reported to a law enforcement agency, whichever occurs first."

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