SENATE BILL 82

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Siah Correa Hemphill and Jeff Steinborn and Leo Jaramillo and
Tara L. Lujan

AN ACT

RELATING TO CRIME; PROVIDING NO TIME LIMITATIONS FOR COMMENCING
A PROSECUTION FOR CRIMINAL SEXUAL PENETRATION OF A MINOR AND
CRIMINAL SEXUAL CONTACT OF A MINOR; PROVIDING A FIFTEEN-YEAR
TIME LIMITATION FOR COMMENCING A PROSECUTION FOR CRIMINAL
SEXUAL PENETRATION IN THE SECOND DEGREE.

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;

.223396.2
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, a first degree violent felony or second degree murder pursuant to Subsection B of Section 30-2-1 NMSA 1978, no limitation period shall exist and prosecution for these crimes may commence at any time after the
occurrence of the crime;

   J. for a crime against a child under eighteen years
   of age in violation of Subsection E of Section 30-9-11 NMSA
   1978 or Subsection B of Section 30-9-13 NMSA 1978, no
   limitation shall exist and prosecution of these crimes may
   commence at any time after the occurrence of the crime; and
   
   K. for a crime of criminal sexual penetration in
   the second degree pursuant to Subsection E of Section 30-9-11
   NMSA 1978 against an adult, within fifteen years from the time
   the crime was committed."