

LFC Requester:

Henry Jacobs

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)*****(Analysis must be uploaded as a PDF)*****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** January 20, 2026*Check all that apply:***Bill Number:** HB 69Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:**Marianna Anaya and Mimi Stewart**Agency Name  
and Code  
Number:**Administrative Office of the  
District Attorneys - #264**Short**Childhood Sexual Abuse**Person Writing**M. Anne Kelly**Title:**Statute of Limitations**Phone:** 5052503302**Email** akelly@da.state.nm.us**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

#### **Synopsis:**

Section 1 amends Section 37-1-30 (entitled “Action for Damages Due to Childhood Sexual Abuse – Limitation on Actions”) of Chapter 37 (“Limitation of Actions; Abatement and Revivor”). Subsection A is amended to increase the upper limit of an action for damages based on childhood sexual abuse from a person’s twenty-fourth birthday to a person’s fifty-eighth birthday. The subsection provides that such an action shall be commenced before the latest of that date or three years from the date the person first disclosed the childhood sexual abuse to a license medical or mental health provider.

Subsection C is amended to provide that the limitation in Subsection A is the “only statutory time or procedural limitation” on commencing such an action for damages whether the action is against a private person or a public entity. The current Subsection C – which states that Section 37-1-8 shall not apply to causes of action for childhood sexual abuse – is deleted.

Subsection D is new material which provides that any such action that is barred on or before July 1, 2026 due to a statutory or procedural time limit is “retroactively revived” and may be commenced no later than June 30, 2029.

Section 2 makes July 1, 2026 the effective date of the act.

### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this agency.

### **SIGNIFICANT ISSUES**

This bill reflects the reality that the trauma of childhood sexual abuse can be suppressed for many years and may only come to light with time and/or therapy.

The retroactive portion – the new Subsection D – expresses legislative intent to allow claimants a three-year window to file claims that would have been previously barred by the earlier statute of limitations.

“Generally, a statute is applied prospectively unless the legislature has made clear its intention to apply it retroactively.” *State v. Perea*, 2001-NMSC-026, ¶ 4, 130 N.M. 732; *see also* NMSA 1978, § 12-2A-8 (1997) (“A statute or rule operates prospectively only unless the statute or rule expressly provides otherwise or its context requires that it operate retrospectively.”). *See also In re Estate of Salopek*, 2005-NMCA-016, ¶ 5, 137 N.M. 47 (recognizing the New Mexico rule of statutory construction that “statutes, except those dealing with remedial procedures, are presumed to operate prospectively unless there is clear legislative intent to give the statute retroactive effect”).

Moreover, in *Gryorwicz v. Trujillo*, 2006-NMCA-089, 140 N.M. 129, the Court of Appeals held

that the statute of limitations established in Section 37-1-30 applied to the plaintiff's cause of action because it had not yet been filed when the section became applicable. That is, the defendant can have no vested right if the lawsuit is not pending when the new statute of limitations becomes effective.

#### **PERFORMANCE IMPLICATIONS**

None noted.

#### **ADMINISTRATIVE IMPLICATIONS**

None noted.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None noted.

#### **TECHNICAL ISSUES**

None noted.

#### **OTHER SUBSTANTIVE ISSUES**

None noted.

#### **ALTERNATIVES**

n/a

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

#### **AMENDMENTS**

n/a