

LFC Requester:

Jacobs, Henry

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://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:** 1/20/26*Check all that apply:***Bill Number:** HB 69Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Rep. Marianna Anaya**Short** Childhood Sexual Abuse**Title:** Statute of Limitations**Agency Name  
and Code****Number:**AOC  
218**Person Writing**

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**Phone:** 505-470-3214**Email** [aoccaj@nmcourts.gov](mailto:aoccaj@nmcourts.gov)**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(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>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HB 69 amends Section 37-1-30(C) NMSA 1978, governing the limitation on actions for an action for damages due to childhood sexual abuse, to provide that the limitation provided in Subsection A of this section is the only statutory time or procedural limitation on commencing an accrued action for damages based on personal injury caused by childhood sexual abuse, regardless of whether the action is against a private person or public entity. The HB 69 amendment to Subsection D provides further that an action for damages based on person injury caused by childhood sexual abuse that is barred on or before July 1, 2026 due to a statutory time or procedural limitation is retroactively revived and may be commenced no later than June 30, 2029.

The effective date of the Act is July 1, 2026.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the increase in the number of actions brought pursuant to Section 37-1-30 NMSA 1978 and appeals from awards of damages. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

Additionally, the extension of time in which to bring an action to the first instant of the person's 58<sup>th</sup> birthday could result in dated or "stale" evidence that requires more careful vetting by judges and defendants, which in turn results in lengthier, more complex trials and appeals that require a greater commitment of the judicial branch's fiscal and administrative resources.

#### **SIGNIFICANT ISSUES**

1) The HB 69 amendment extending the time in which to bring an action to the first instant of the person's 58<sup>th</sup> birthday, as well as the striking of the current Section 37-1-30(C) NMSA and the addition of language in the HB 69 amendment's Subsection C that the limitation provided in Subsection A is the only statutory time or procedural limitation, are likely to result in more actions for damages being commenced. More actions will require additional judge time, courtroom staff time, courtroom availability and jury fees.

Additionally, the extension of time in which to bring an action could result in dated or "stale" evidence that requires more careful vetting by judges and defendants, which in turn results in lengthier, more complex trials and appeals that require a greater commitment of the judicial branch's fiscal and administrative resources.

2) Current law in Section 37-1-30 NMSA 1978 gives two alternatives for determination of statute of limitations, the latest of which governs: 1) The person's 24th birthday; or 2) Three years after the date the person disclosed that person's sexual abuse to a licensed medical or mental health care provider while receiving care from that provider.

3) Section 37-1-30(B) NMSA 1978 defines “childhood sexual abuse” to mean conduct that, if prosecuted in a criminal matter, would constitute a violation of: (1) criminal sexual penetration of a minor, pursuant to Section 30-9-11 NMSA 1978 (2) criminal sexual contact of a minor, pursuant to Section 30-9-13; or (3) the Sexual Exploitation of Children Act, Section 30-6A-1 NMSA 1978 et. seq

4) According to the National Conference of State Legislatures (NCSL), Child victims frequently do not discover the relationship of their psychological injuries to the abuse until well into adulthood -- usually during the course of psychological counseling or therapy. They may not even discover the fact of such abuse until they undergo such therapy. See [\*Child Sexual Abuse: Civil Statutes of Limitations\*](#), NCSL, 11/29/23.

5) HB 69 strikes language in the current Section 37-1-30(C) NMSA 1978, providing that the provisions of Section 37-1-8 NMSA 1978 and any statutes of limitation therein shall not apply to causes of action for childhood sexual abuse. Section 37-1-8 NMSA 1978 provides that actions brought against sureties on official bonds and on bonds of guardians, conservators, personal representatives and persons acting in a fiduciary capacity, within 2 years after the liability of the principal or the person for whom they are sureties is finally established or determined by a judgment or decree of the court, and for any injury to the person or reputation of any person, within three years. Under the HB 69 amendment, such statutes of limitations shall not apply to causes of action for childhood sexual abuse. Additionally, the HB 69 Section 37-1-30(C) amendment provides that the limitation in Subsection A is the only statutory time or procedural limitation, regardless of whether the action is against a private person or public entity.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type.

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

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

None.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

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

#### **AMENDMENTS**