

LFC Requester:

LFC Analyst Henry Jacobs

AGENCY BILL ANALYSIS – 2026 SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****AgencyAnalysis.nmlegis.gov and email to 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:** 20JAN26*Check all that apply:***Bill Number:** HB 69Original ☒ Correction ☐Amendment ☐ Substitute ☐**Agency Name
and Code****Sponsor:** REP. MARIANNA ANAYS**Number:** 790 – Department of Public Safety**Short
Title:** CHILDHOOD SEXUAL ABUSE
STATUTE OF LIMITATIONS**Person Writing** Matthew Broom, Deputy Chief**Phone:** 5757601485 **Email:** matthew.broom@dps.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Similar to 2025 HB73

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Similar to 2025 HB73; related to 2023 SB126) House Bill 69 amends the statute of limitations on civil actions by extending the latest age by which a person can file a civil action for damages based on childhood sexual abuse from age 24 to age 58, or within three years of first disclosure to a medical or mental health care provider, whichever is later. The extension applies whether the action is against a private person or a public entity. For an action that is time-barred on or before July 1, 2026, it is retroactively revived if commenced no later than June 30, 2029.

FISCAL IMPLICATIONS

No Fiscal Impact to DPS.

SIGNIFICANT ISSUES –

Unlike the 2025 session's CS/CS/HB73/HAFCS, which expressly excluded public entities and employees, HB 69's new Subsection C provides that § 37-1-30 is "the only statutory time or procedural limitation" on commencing actions, regardless of whether the action is against a private person or public entity." This creates a direct conflict with the Tort Claims Act's two-year statute of limitations (§ 41-4-15) and 90-day jurisdictional notice requirement (§ 41-4-16).

The retroactive revival provision in Subsection D presents unsettled constitutional questions. While federal due process permits legislatures to revive civil claims, *Campbell v. Holt*, 115 U.S. 620 (1885), several state courts have held that an expired statute of limitations creates a vested defense that cannot be retroactively eliminated. *See Mitchell v. Roberts*, 2020 UT 34. New Mexico courts have not addressed whether the state constitution permits retroactive revival of time-barred claims.

PERFORMANCE IMPLICATIONS

None for DPS.

ADMINISTRATIVE IMPLICATIONS

None for DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for DPS.

TECHNICAL ISSUES

None for DPS. The bill's use of "public entity" is undefined and may conflict with the TCA's definitions of "governmental entity" and "local public body" in § 41-4-3. More significantly, HB 69 does not address the TCA's 90-day notice requirement. If Subsection C's reference to "procedural limitation" eliminates this requirement, it fundamentally alters jurisdictional prerequisites for tort claims against public entities. If the notice requirement survives, claimants reviving decades-old claims face an impossible burden.

OTHER SUBSTANTIVE ISSUES

None for DPS. The extension to age 58, combined with retroactive revival, could expose the State to claims arising from alleged conduct occurring 50+ years ago. Such temporal distance creates significant evidentiary challenges: unavailable witnesses, destroyed records, and diminished reliability of testimony regarding decades-old events.

ALTERNATIVES

None by DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo for DPS.

AMENDMENTS

None for DPS.