

LFC Requester:

Scott Sanchez

**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:** 23 January 2026 *Check all that apply:*  
**Bill Number:** SB 41 Original  Correction   
 Amendment  Substitute

**Sponsor:** Charley **Agency Name and Code Number:** New Mexico Sentencing Commission (354)  
**Short Title:** Statute of Limitations for Certain Sex Crimes **Person Writing:** Douglas Carver  
**Title:** Certain Sex Crimes **Phone:** 505-239-8362 **Email:** dhmcarver@unm.edu

**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
	\$451	Nonrecurring	

**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:

SB 41 removes the statute of limitations from a large group of statutes, as follows:

- second, third, or fourth degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;
- second, third, or fourth degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;
- second, third, or fourth degree attempt to commit a felony, as provided in Section 30-28-1 NMSA 1978, if the crime attempted is: (a) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; or (b) criminal contact of a minor, as provided in Section 30-9-13 NMSA 1978;
- second, third, or fourth degree conspiracy, as provided in Section 30-28-2 NMSA 1978, if the crime conspired to be committed is: (a) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; or (b) criminal contact of a minor, as provided in Section 30-9-13 NMSA 1978; and
- second, third, or fourth degree criminal solicitation, as provided in Section 30-28-3 NMSA 1978, if the crime solicited is: (a) criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; or (b) criminal contact of a minor, as provided in Section 30-9-13 NMSA 1978.

SB 41 also makes conforming amendments in Section 30-1-9.1 NMSA 1978, regarding tolling of certain statutes involving crimes against children, removing the statutes in that section that would no longer require tolling as the statute of limitations is being removed. Similarly, Section 30-1-9.2 NMSA 1978, regarding the tolling of the statute of limitations for criminal sexual penetration, is being repealed as that tolling statute would no longer be required with the removals of statute of limitations.

### **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.

### **SIGNIFICANT ISSUES**

The table below shows the charges for the crimes covered in this statute that were disposed in FY24, the most recent year for which the NMSC has electronic access to court data:

**ALL CHARGES (Disposed FY2024)**

<b>Adults</b>								
<b>Statute</b>		<b>Degree</b>	<b>Total Cases</b>	<b>Finding of guilt</b>	<b>Conditional Discharge</b>	<b>Dismissal</b>	<b>Acquittal</b>	<b>Incompetency</b>
<b><u>Criminal Sexual Penetration</u></b>								
30-9-11D2	typical	1st F	30	5		24	1	
	attempt	2nd F	2			2		
	conspiracy	2nd F	0					
	solicitation	2nd F	0					
30-9-11E(3-6)	typical	2nd F	104	26		61	17	
	attempt	3rd F	8	1		7		
	conspiracy	3rd F	5	2		3		
	solicitation	3rd F	0					
30-9-11E(2)	typical	2nd F	18			18		
	attempt	3rd F	0					
	conspiracy	3rd F	0					
	solicitation	3rd F	0					
30-9-11F	typical	3rd F	106	32	4	61	9	
	attempt	4th F	12	4		7	1	
	conspiracy	4th F	0					
	solicitation	4th F	0					
<b><u>Criminal Sexual Contact</u></b>								
30-9-12C	typical	4th F	18	2	1	14	1	
	attempt	Mis.	0					
	conspiracy	4th F	1			1		
	solicitation	Mis.	0					
30-9-12D	typical	Mis.	35	1	2	25	7	
	attempt	P.Mis.	0					
	conspiracy	P.Mis.	0					
	solicitation	P.Mis.	0					
<b>Children</b>								
<b><u>Criminal Sexual Penetration</u></b>								
30-9-11C	typical	1st F	8	1		7		
	attempt	2nd F	0					
	conspiracy	2nd F	0					
	solicitation	2nd F	0					
30-9-11D(1)	typical	1st F	331	47	3	251	30	
	attempt	2nd F	5	1		4		
	conspiracy	2nd F	1			1		
	solicitation	2nd F	0					
30-9-11D(2)	typical	1st F	2			2		
	attempt	2nd F	0					

	conspiracy	2nd F	0					
	solicitation	2nd F	0					
30-9-11E(1)	typical	2nd F	204	23	1	174	6	
	attempt	3rd F	4	1		4	1	
	conspiracy	3rd F	1		1			
	solicitation	3rd F	0					
30-9-11E(3-6)	typical	2nd F	14	7		5	2	
	attempt	3rd F	2	2				
	conspiracy	3rd F	0					
	solicitation	3rd F	0					
30-9-11F	typical	3rd F	2	1		1		
	attempt	4th F	0					
	conspiracy	4th F	0					
	solicitation	4th F	0					
30-9-11G(1)	typical	4th F	98	19	9	70		
	attempt	Mis.	2	2				
	conspiracy	Mis.						
	solicitation	4th F	7			7		
30-9-11G(2)	typical	4th F	1		1			
	attempt	Mis.	0					
	conspiracy	Mis.	0					
	solicitation	Mis.	0					
<b>Criminal Sexual Contact</b>								
30-9-12D	typical	Mis.	5		2	3		
	attempt	P. Mis.	0					
	conspiracy	P. Mis.	0					
	solicitation	P. Mis.	0					
<b>Criminal Sexual Contact of a Minor</b>								
30-9-13B(1)	typical	2nd F	253	45	2	190	13	3
	attempt	3rd F	4	1		3		
	conspiracy	3rd F	1			1		
	solicitation	3rd F	0					
30-9-13B(2)	typical	2nd F	55	4		46	5	
	attempt	3rd F	2	1		1		
	conspiracy	3rd F	0					
	solicitation	3rd F	0					
30-9-13C(1)	typical	3rd F	178	51	9	106	11	1
	(no init.)	4th F	1			1		
	attempt	4th F	2		1	1		
	conspiracy	4th F	0					
	solicitation	4th F	0					
30-9-13C(2)	typical	3rd F	34	13	2	19		
	attempt	4th F	2		1	1		
	conspiracy	4th F	2			2		
	solicitation	4th F						

30-9-13D(1)	typical	4th F	133	37	3	87	6	
	attempt	Mis.	0					
	conspiracy	Mis.	0					
	solicitation	Mis.	0					
30-9-13D(2)	typical	4th F	0					
	attempt	Mis.	0					
	conspiracy	Mis.	0					
	solicitation	Mis.	0					

It is difficult to determine what the effect of passing SB 41 would be on the state’s prison population, but the removal of the statute of limitations for the large group of crimes included in the bill could lead to more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state’s prison system is \$153.08/day; this average includes private and public facilities.

There has been a trend in recent years to remove statutes of limitations from crimes of sexual conduct in many states. A recent summary of these changes can be found in Sheahan , “Statutes of Limitation in Sexual Assault Cases”, *FBI Law Enforcement Bulletin* (August 2025), available here: <https://leb.fbi.gov/articles/featured-articles/statutes-of-limitation-in-sexual-assault-cases>.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**AMENDMENTS**