

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) 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: 1/23/26

Check all that apply:

Bill Number: SB41Original Correction Amendment Substitute

		Agency Name and Code	
Sponsor:	<u>Angel M. Charley, Jeff Steinborn, George Munoz</u>	Number:	<u>770- NMCD</u>
Short Title:	<u>Statute of Limitations for Certain Sex Crimes</u>	Person Writing	<u>A. Griego Quintana</u>
		Phone:	<u>505-479-2296</u>
		Email	<u>Anisa.griego-quinta@cd.nm.gov</u>

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
Total	0	0	0	0	N/A	N/A

(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: Amends the Criminal Code to eliminate the statute of limitations for specific sexual crimes, allowing prosecution for those crimes to begin at any time. Revises the “tolling” rule (pausing the clock) in cases that involve abandonment or abuse of a child until the victim reaches the age of 18 or the crime is reported to a law enforcement agency, whichever is earliest.

Amends Sec. 30-1-8 of the Criminal Code to completely eliminate the statute of limitations for the following crimes:

- a capital felony punishable by life imprisonment or life with no possibility of probation or parole (Sec. 31-18-14)
- a first degree violent felony or second degree murder (Sec. 30-2-1.B)
- second, third or fourth degree criminal sexual penetration (Sec. 30-9-11)
- second, third or fourth degree criminal sexual contact of a minor (Sec. 30-9-13)
- second, third or fourth degree attempt to commit a felony (Sec. 30-28-1); conspiracy (Sec. 30-28-2), or criminal solicitation (Sec. 30-28-3), if the crime attempted, solicited, or conspired to be committed is criminal sexual penetration or criminal sexual contact of a minor

Revises Sec. 30-1-9.1, regarding alleged violations for the abandonment or abuse of a child (Sec. 30-6-1), to toll the statute of limitations until the victim attains the age of 18 or the violation is reported to law enforcement, whichever occurs first.

Repeals Sec. 30-1-9.2, which tolls the statute of limitations for criminal sexual penetration or criminal sexual contact of a minor when DNA evidence is available but has not yet been connected to a suspect. The provisions of this section are nullified and no longer needed, as a result of the remedies provided in this bill.

FISCAL IMPLICATIONS

Senate Bill 41 does not change sentencing ranges. However, by eliminating the statute of limitations for certain sexual offenses, the bill may result in a limited number of additional prosecutions and convictions over time. To the extent those cases result in incarceration, NMCD could experience a modest, long-term increase in admissions for this offense class. Any impact is expected to be incremental and not immediate.

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None