

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS – 2026 SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
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**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 12FEB2026 *Check all that apply:*  
**Bill Number:** SB41S Original  Correction   
 Amendment  Substitute

**Sponsor:** Angel Charley **Agency Name and Code**  
**Short Title:** ELIMINATING THE STATUTE OF LIMITATIONS FOR CERTAIN SEXUAL CRIMES **Number:** 790 – Department of Public Safety  
**StatuteSta** SEXUAL CRIMES **Person Writing** Chief W. Troy Weisler  
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**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
<b>Total</b>	NFI	NFI	NFI	NFI	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**

This act amends New Mexico's criminal statutes to eliminate the statute of limitations for certain sexual offenses and related crimes. The legislation revises Section 30-1-8 NMSA 1978 to provide that prosecutions for specified sexual crimes—including second, third, and fourth degree criminal sexual penetration, criminal sexual contact of a minor, and related attempts, conspiracies, and solicitations—may be commenced at any time after the offense occurs. These crimes are added to the list of offenses for which no limitation period applies, alongside capital felonies, first degree violent felonies, and second-degree murder.

The act also makes conforming amendments to clarify and reorganize existing limitation periods for other categories of crimes. In addition, it amends Section 30-1-9.1 NMSA 1978 to limit tolling provisions to alleged violations involving the abandonment or abuse of a child, removing references to sexual offenses that are now subject to no statute of limitations. Finally, the act repeals Section 30-1-9.2 NMSA 1978, eliminating a separate statutory provision previously addressing limitations for certain sexual offenses.

Overall, the legislation ensures that serious sexual crimes, particularly those involving minors, may be prosecuted regardless of when they occur, reflecting a policy determination that such offenses should not be barred by the passage of time.

SB-41 eliminates the statute of limitations for certain serious sexual offenses, meaning those crimes may be prosecuted at any time regardless of when they occurred. The bill does not create new crimes or alter evidentiary standards; rather, it removes time-based barriers that previously limited when prosecutions could be initiated.

The practical effect is that qualifying sexual offenses, including criminal sexual penetration, criminal sexual contact of a minor, and related attempts, conspiracies, or solicitations, remain legally actionable indefinitely. As a result, the age of an alleged offense no longer diminishes its legal significance, and the passage of time alone cannot be relied upon as a defense to prosecution.

More broadly, the bill reflects a policy determination that the seriousness of these offenses outweighs concerns about delay, particularly given the realities of delayed reporting by victims. SB-41 aligns these crimes with other offenses for which no statute of limitations exists and ensures that accountability remains possible whenever credible evidence comes to light.

SB-41 eliminates the statute of limitations for certain felony sexual offenses, allowing prosecution at any time for second, third, and fourth degree criminal sexual penetration; second, third, and fourth degree criminal sexual contact of a minor; and related attempt, conspiracy, and solicitation offenses. These crimes are added to the list of offenses for which no limitation period applies.

The bill makes conforming statutory amendments, repeals outdated tolling provisions related to sexual offenses and does not create a lookback period or revive cases where the statute of limitations had expired prior to the effective date of the act.

The bill contains no appropriation but is expected to result in increased and ongoing operational costs for criminal justice agencies due to expanded investigative, records management, forensic, and registry activities associated with older cases.

**COMMITTEE SUBSTITUTE:** Senate Judiciary Committee substitute for SB41 preserves the intent of the original to eliminate the statute of limitations for any capital felony, for a first degree violent felony, for second

degree murder, and for second degree criminal sexual contact of a minor. However, the substitute leaves the statute of limitations in place for some second degree sexual offenses against children and minors and extends it for others until the victim reaches age 18 or the violation is reported to law enforcement.

As substituted, SB41 provides that the statute of limitations is eliminated, and prosecution can begin any time after the occurrence of the crime for:

- Capital felonies (Sec. 31-18-14)
- First degree violent felony
- Second degree murder (Sec. 30-2-1(B))
- Second degree criminal sexual penetration of a minor (Sec. 30-1-13).

The statute of limitations for the following crimes is effective, and prosecution can begin any time after the occurrence of the crime until the victim reaches age 18 or the violation is first reported to law enforcement:

- Abandonment or abuse of a child (Sect. 30-6-1)
- Third or fourth degree felony attempted criminal sexual penetration (Sec. 30-9-11)
- Third or fourth degree felony conspiracy to commit criminal sexual penetration (Sec. 30-9-11)
- Third or fourth degree felony solicitation to commit criminal sexual penetration (Sec. 30-9-11)

For third or fourth degree criminal sexual penetration, when DNA evidence is available and a suspect has not been identified, the applicable statute of limitations shall not commence to run until the DNA profile is matched with a suspect.

## **FISCAL IMPLICATIONS**

SB41CS would lower the impact on DPS from what was noted in the original FIR. The committee substitute decreases the number of offenses that would have their statute of limitations eliminated, which would result in fewer older cases being prosecuted. A statute of limitations will still remain in effect for the third and fourth degree felonies that were eliminated in the original bill.

## **SIGNIFICANT ISSUES**

Fewer operational challenges than the original bill had on the DPS Law Enforcement Records Bureau (LERB).

## **PERFORMANCE IMPLICATIONS**

From a public safety standpoint DPS believes this bill could have a positive impact on the state by holding additional offenders accountable for severe crimes they commit. On the administrative side, SB41 is expected to increase the workload and complexity of DPS operations for LERB. Staff will spend more time locating, reviewing, and verifying decades-old sexual offense records, to ensure accurate classification of offenses. These added demands could slow the registration process and create potential backlogs.

## **ADMINISTRATIVE IMPLICATIONS**

No changes from original.

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

None.

## **TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

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

Status quo.

**AMENDMENTS**

None.