

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 41

**57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CRIME; ELIMINATING THE STATUTE OF LIMITATIONS FOR CERTAIN SEXUAL CRIMES; MAKING CONFORMING AMENDMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-1-8 NMSA 1978 (being Laws 1963, Chapter 303, Section 1-8, as amended) is amended to read:

"30-1-8. TIME LIMITATIONS FOR COMMENCING PROSECUTION.--A person shall not be prosecuted, tried or punished in any court

.234010.1AIC February 14, 2026 (8:40am)

underscored material = new  
[bracketed material] = delete  
Amendments: new = **bold, blue, highlight**  
~~delete~~ = **bold, red, highlight, strikethrough**

of this state unless the indictment is found or information or complaint is filed within the time as provided:

A. except as provided in Subsection H of this section:

(1) for a second degree felony, within six years from the time the crime was committed; and

[B.] (2) for a third or fourth degree felony, within five years from the time the crime was committed;

[C.] B. for a misdemeanor, within two years from the time the crime was committed;

[D.] C. for a petty misdemeanor, within one year from the time the crime was committed;

[E.] D. for any crime against or violation of Section 51-1-38 NMSA 1978, within three years from the time the crime was committed;

[F.] E. for a felony pursuant to Section 7-1-71.3, 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the crime was committed; provided that for a series of crimes involving multiple filing periods within one calendar year, the limitation shall begin to run on December 31 of the year in which the crimes occurred;

[G.] F. for an identity theft crime pursuant to Section 30-16-24.1 NMSA 1978, within five years from the time the crime was discovered;

[H.] G. for any crime not contained in the Criminal

underscored material = new  
[bracketed material] = delete  
Amendments: new = **bold, blue, highlight**  
              = **bold, red, highlight, strikethrough**  
              = **bold, red, highlight, strikethrough**

Code or where a limitation is not otherwise provided for, within three years from the time the crime was committed; and

~~I. for a capital felony, a first degree violent felony or second degree murder pursuant to Subsection B of Section 30-2-1 NMSA 1978]~~

H. no limitation period shall exist and prosecution for ~~[these]~~ the following crimes may commence at any time after the occurrence of ~~[the crime]~~:

- (1) a capital felony, as provided in Section 31-18-14 NMSA 1978;
- (2) a first degree violent felony;
- (3) second degree murder, as provided in Subsection B of Section 30-2-1 NMSA 1978; or
- (4) second degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978."

SECTION 2. Section 30-1-9.1 NMSA 1978 (being Laws 1987, Chapter 117, Section 1) is amended to read:

"30-1-9.1. ~~[OFFENSES AGAINST CHILDREN]~~ ALLEGED VIOLATIONS FOR THE ABANDONMENT OR ABUSE OF A CHILD--TOLLING OF STATUTE OF LIMITATIONS.--The applicable time period for commencing prosecution pursuant to Section 30-1-8 NMSA 1978 shall not commence to run for an alleged violation of abandonment or abuse of a child, as provided in Section 30-6-1 NMSA 1978 Sf11→Section 30-9-11 NMSA 1978 or Sf11 or a third or fourth degree felony as provided in Section Sf11→~~30-9-11~~ Sf11

underscored material = new  
 [bracketed material] = delete  
 Amendments: new = **bold**, blue, highlight  
 delete = **bold**, red, highlight, strikethrough

Sf11→30-9-13←Sf11 [or 30-9-13] NMSA 1978 until the victim attains the age of eighteen or the violation is reported to a law enforcement agency, whichever occurs first."

Sf11→~~SECTION 3. Section 30-1-9.2 NMSA 1978 (being Laws 2003, Chapter 257, Section 1) is amended to read,~~

~~"30-1-9.2. CRIMINAL SEXUAL PENETRATION--TOLLING OF STATUTE OF LIMITATIONS--~~

~~A. When DNA evidence is available and a suspect has not been identified, the applicable time period for commencing a prosecution pursuant to Section 30-1-8 NMSA 1978 shall not commence to run for an alleged violation of a third or fourth degree felony pursuant to Section 30-9-11 NMSA 1978 until a DNA profile is matched with a suspect.~~

~~B. As used in this section, "DNA" means deoxyribonucleic acid."←Sf11~~