

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 151

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

DISCUSSION DRAFT

AN ACT

RELATING TO LIMITATIONS ON CIVIL ACTIONS BASED ON CHILDHOOD
SEXUAL ABUSE; EXTENDING THE TIME PERIOD TO COMMENCE AN ACTION
BASED ON CHILDHOOD SEXUAL ABUSE; PROVIDING THAT SECTION 37-1-30
NMSA 1978 (BEING LAWS 1993, CHAPTER 136, SECTION 1, AS AMENDED)
IS THE ONLY STATUTORY TIME OR PROCEDURAL LIMITATION ON
COMMENCING AN ACTION BASED ON CHILDHOOD SEXUAL ABUSE; PROVIDING
THAT ACTIONS BASED ON CHILDHOOD SEXUAL ABUSE THAT ARE BARRED ON
OR BEFORE JULY 1, 2026 ARE RETROACTIVELY REVIVED AND THAT THOSE
ACTIONS MAY BE COMMENCED NO LATER THAN JUNE 30, 2029 IF THE
ACTIONS ARE ONLY AGAINST A PERSON; CREATING THE SURVIVORS'
JUSTICE AND COMPENSATION FUND AND THE SURVIVORS' JUSTICE AND
COMPENSATION COMMISSION; PROVIDING FOR A PERSON TO SUBMIT A
CLAIM FOR COMPENSATION IF THE PERSON SUFFERED CHILDHOOD SEXUAL
ABUSE DUE TO AN ACT BY OR THE NEGLIGENCE OF A PUBLIC BODY;
PROVIDING LIMITATIONS; PROVIDING A PROCESS FOR SUBMITTING

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1 CLAIMS; REQUIRING A HEARING ON CERTAIN CLAIMS; ASSIGNING POWERS
2 AND DUTIES; MAKING APPROPRIATIONS.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

5 SECTION 1. Section 37-1-30 NMSA 1978 (being Laws 1993,
6 Chapter 136, Section 1, as amended) is amended to read:

7 "37-1-30. ACTION FOR DAMAGES DUE TO CHILDHOOD SEXUAL
8 ABUSE--LIMITATION ON ACTIONS.--

9 A. An action for damages based on personal injury
10 caused by childhood sexual abuse shall be commenced by a person
11 before the latest of the following dates:

12 (1) the first instant of the person's [~~twenty-~~
13 ~~fourth~~] fifty-eighth birthday; or

14 (2) three years from the date that a person
15 first disclosed the person's childhood sexual abuse to a
16 licensed medical or mental health care provider in the context
17 of receiving health care from the provider.

18 B. As used in this section, "childhood sexual
19 abuse" means conduct that, if prosecuted in a criminal matter,
20 would constitute a violation of:

21 (1) Section 30-9-11 NMSA 1978, regarding
22 criminal sexual penetration of a minor;

23 (2) Section 30-9-13 NMSA 1978, regarding
24 criminal sexual contact of a minor; or

25 (3) the Sexual Exploitation of Children Act.

1 ~~[C. The provisions of Section 37-1-8 NMSA 1978 and~~
 2 ~~any statutes of limitation therein shall not apply to causes of~~
 3 ~~action for childhood sexual abuse.]~~

4 C. The limitation provided in Subsection A of this
 5 section is the only statutory time or procedural limitation on
 6 commencing an accrued action for damages based on personal
 7 injury caused by childhood sexual abuse, regardless of whether
 8 the action is against the state, a political subdivision of the
 9 state or a person.

10 D. An action for damages based on personal injury
 11 caused by childhood sexual abuse that is barred on or before
 12 July 1, 2026 due to a statutory time or procedural limitation
 13 is retroactively revived and may be commenced no later than
 14 June 30, 2029 if the action is only against a person, including
 15 a person who is an employee of the state or a political
 16 subdivision of the state in that person's individual capacity.
 17 Such an action against the state or a political subdivision of
 18 the state is not revived; provided that, in lieu of the action,
 19 a person may seek relief in accordance with Section 2 of this
 20 2026 act."

21 SECTION 2. [NEW MATERIAL] SURVIVORS' JUSTICE AND
 22 COMPENSATION FUND--ADMINISTRATION--CLAIMS--LIMITATIONS.--

23 A. As used in this section:

24 (1) "childhood sexual abuse" means conduct
 25 that, if prosecuted in a criminal matter, would constitute a

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1 violation of:

2 (a) Section 30-9-11 NMSA 1978, regarding
3 criminal sexual penetration of a minor;

4 (b) Section 30-9-13 NMSA 1978, regarding
5 criminal sexual contact of a minor; or

6 (c) the Sexual Exploitation of Children
7 Act;

8 (2) "claimant" means a person who submitted a
9 timely claim against the fund;

10 (3) "commission" means the survivors' justice
11 and compensation commission;

12 (4) "director" means the director of the risk
13 management division of the general services department;

14 (5) "fund" means the survivors' justice and
15 compensation fund; and

16 (6) "public body" means a state or local
17 government, an advisory board, a commission, an agency or an
18 entity created by the constitution of New Mexico or any branch
19 of government that receives public funding, including political
20 subdivisions, special tax districts, school districts and
21 institutions of higher education, but does not mean an acequia
22 or a community ditch, a soil and water conservation district, a
23 land grant-merced, a mutual domestic water consumers
24 association or other association organized pursuant to the
25 Sanitary Projects Act or a water users' association.

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1 B. The "survivors' justice and compensation fund"
2 is created as a nonreverting fund in the state treasury. The
3 fund consists of appropriations to the fund and other money
4 deposited to the credit of the fund. Money in the fund is
5 appropriated to the risk management division of the general
6 services department to pay compensation to persons who
7 substantiate claims made against the fund and as otherwise
8 provided in this section. Expenditures from the fund shall be
9 by warrant of the secretary of finance and administration
10 pursuant to vouchers signed by the secretary of general
11 services or the secretary's authorized representative.

12 C. The "survivors' justice and compensation
13 commission" is created as an independent commission. The
14 commission consists of:

15 (1) five voting members appointed by the
16 governor and confirmed by the senate as follows:

17 (a) one voting member shall be a person
18 who is a licensed psychiatrist, psychologist or behavioral
19 health professional with expertise in posttraumatic stress
20 disorder or related mental disorders and actively treats
21 survivors of childhood sexual abuse as part of the person's
22 clinical practice;

23 (b) one voting member shall be a
24 licensed sexual assault nurse examiner or other licensed health
25 care provider with expertise in providing medical and forensic

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1 services to victims of sexual crimes;

2 (c) one voting member shall be a person
3 who represents an organization based in New Mexico that
4 provides services to victims of childhood sexual abuse;

5 (d) one voting member shall be a retired
6 judge or justice who is a licensed attorney in good standing
7 with the state bar of New Mexico; and

8 (e) one voting member shall be a person
9 who is a survivor advocate; and

10 (2) the following ex-officio advisory members:

11 (a) the attorney general or the attorney
12 general's designee, who shall provide the commission with
13 objective and impartial assistance as to the law and the
14 evaluation of evidence; and

15 (b) the director or the director's
16 designee, who shall assist the commission in determining the
17 amount of compensation for a substantiated claim and in
18 protecting the solvency of the fund.

19 D. Each voting member shall upon appointment take
20 and subscribe to an oath or affirmation that the member will
21 support the constitution of the United States and the
22 constitution and laws of the state and that the member will
23 faithfully and impartially discharge the duties of the member's
24 position to the best of the member's abilities. Voting members
25 are entitled to reimbursement for per diem and mileage in

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1 accordance with the Per Diem and Mileage Act and shall receive
2 no other compensation, perquisite or allowance for service on
3 the commission. Per diem and mileage reimbursement for members
4 of the commission shall be paid from the fund. The commission
5 shall function until all timely claims made against the fund
6 are disposed.

7 E. A person alleging to have suffered from
8 childhood sexual abuse caused by an act or the negligence of a
9 public body or the public body's employee is eligible to submit
10 a claim against the fund if:

11 (1) the childhood sexual abuse occurred before
12 July 1, 2026;

13 (2) the person has not received any remedy for
14 the childhood sexual abuse pursuant to a civil judgment or
15 settlement; and

16 (3) as of July 1, 2026, the person is time
17 barred from commencing a civil action for personal injury
18 caused by the childhood sexual abuse.

19 F. A claimant who submits a claim against the fund
20 shall have the burden to prove by a preponderance of the
21 evidence that the claimant sustained personal injury from
22 childhood sexual abuse caused by an act or the negligence of a
23 public body or the public body's employee.

24 G. A claim against the fund shall be submitted to
25 the director on or before June 30, 2030. The director shall:

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- 1 (1) begin accepting claims on July 1, 2027;
- 2 (2) determine the form and manner for claims
- 3 to be submitted;
- 4 (3) facilitate the commission's review of each
- 5 claim submitted; and
- 6 (4) provide staff for the commission.

7 H. The commission shall conduct a preliminary
8 review of a claim within ninety days from the date the claim is
9 submitted. If the commission reviews a claim and determines
10 that the claimant is eligible to file a claim and that the
11 claim establishes probable cause, the commission shall hold a
12 hearing on the claim. If the commission determines that the
13 claimant is not eligible to file a claim or that the claim does
14 not establish probable cause, the commission shall give notice
15 to the claimant of the basis for the commission's determination
16 and allow the claimant to provide additional information within
17 ninety days from the date of the notice. If the claimant fails
18 to provide additional information, the commission may issue an
19 order dismissing the claim.

20 I. A hearing on a claim shall be nonadversarial and
21 conducted pursuant to commission-adopted procedures that are
22 uniform and provide for the ascertainment of truth and a just
23 determination. The claimant may file a declaratory action in
24 district court against the commission for the sole purpose of
25 conducting discovery in preparation of the hearing. The

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1 commission shall give the claimant one hundred twenty days'
2 notice of witnesses identified by the commission before the
3 hearing. The claimant shall have sixty days to add witnesses
4 and to object to any witnesses identified by the commission.
5 The commission shall not seek or consider any evidence
6 regarding the claimant's sexual behavior or the claimant's
7 sexual predisposition.

8 J. The hearing shall be attended by all necessary
9 witnesses who are available and who are not objected to by the
10 claimant. The commission shall, upon request, make
11 accommodations to prevent the claimant's mental anguish. The
12 claimant shall have the right to pick the order of witnesses
13 and to question witnesses. If applicable, the claimant's
14 attorney or non-attorney advocate may attend and participate in
15 the hearing by giving an opening statement, questioning
16 witnesses and giving a closing statement. A hearing shall be
17 completed within three hundred sixty-five days from the date
18 the claim is filed; provided that this time may be extended by
19 the commission with the claimant's consent. Within ninety days
20 after a hearing is completed, the commission shall issue an
21 order with written findings of fact and conclusions as to
22 whether the claimant met the burden of proof for the claim.

23 K. If a claimant meets the burden of proof for a
24 claim, the commission shall determine the compensation to which
25 the claimant is entitled and issue an an order for compensation

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1 from the fund. The maximum compensation payable to a claimant
2 is seven hundred thousand dollars (\$700,000). In determining
3 the compensation for a claimant, the commission shall consider
4 and make written findings as part of the commission's order as
5 to the following factors:

6 (1) the nature and severity of the childhood
7 sexual abuse;

8 (2) the claimant's pain and suffering as well
9 as the psychological impact of the abuse on the claimant;

10 (3) the economic and social impact of the
11 abuse on the claimant;

12 (4) the circumstances of the abuse and the
13 response of the public body;

14 (5) the nature of the evidence presented; and

15 (6) any other factor relevant to the
16 commission's determination.

17 L. A claimant aggrieved by any order of the
18 commission may request a trial de novo in the district court of
19 the county where the sexual abuse occurred by filing a notice
20 of appeal in that district court within ninety days from the
21 date the claimant receives the commission's order. Upon
22 appeal, either party may request a jury. The district court
23 shall have exclusive jurisdiction over the appeal and trial de
24 novo. A judgment of the district court is final and subject to
25 further appeal to the court of appeals.

1 M. A claimant's acceptance of compensation from the
2 fund constitutes a waiver of any civil claim the claimant may
3 have against any public body arising from the childhood sexual
4 abuse that gave rise to the claim. Nothing in this section
5 shall be construed to waive, limit or impair civil or criminal
6 claims against a private person that arise from the childhood
7 sexual abuse that gave rise to the claim.

8 N. In addition to determining compensation, the
9 commission may determine a corrective action plan for a public
10 body found to be responsible for child sexual abuse. The
11 administrative head of the public body has the discretion to
12 accept the terms of the corrective action plan. If the
13 administrative head of the public body does not accept the
14 terms of a corrective action plan, the commission shall publish
15 the corrective action plan in a newspaper of general
16 circulation that includes notice that the plan was proposed by
17 the commission pursuant to this section and that the
18 administrative head of the public body refused to accept the
19 terms of the plan.

20 O. The commission shall elect a chair no later than
21 thirty days from the date all members are appointed. Once the
22 commission is appointed, the commission is vested with all
23 powers necessary to conduct hearings, including the powers to
24 compel the attendance of witnesses, administer oaths and issue
25 subpoenas. Process for the commission shall be issued by the

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1 chair upon majority vote of all voting members, and the process
2 shall be enforced in any court with jurisdiction over the
3 process in accordance with the applicable rules for the court.
4 Witnesses compelled to attend a hearing are entitled to
5 reimbursement for per diem and mileage at the rate specified
6 for nonsalaried public officers in accordance with the Per Diem
7 and Mileage Act. Per diem and mileage reimbursement for a
8 witness compelled to attend a hearing by the commission shall
9 be paid from the fund.

10 P. The record of a claim, a hearing or compensation
11 paid from the fund is a public record; provided that the names
12 and identifying information of persons in the record, including
13 the claimant, shall be confidential; and provided further that
14 the name of the administrative head of a public body shall be
15 published in accordance with Subsection N of this section.

16 Q. At the advice of the attorney general or the
17 attorney general's designee, the commission shall refer
18 suspected crimes to the district attorney of the relevant
19 judicial district.

20 R. The commission shall provide an annual report to
21 the governor and the legislature each year the commission
22 functions. The report shall include information about the
23 number of claims submitted, reviewed and disposed, the manner
24 of the dispositions, the amount of compensation paid and the
25 number of corrective action plans proposed, accepted and

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