

SENATE FLOOR SUBSTITUTE FOR
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 41

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

AN ACT

RELATING TO CRIME; ELIMINATING THE STATUTE OF LIMITATIONS FOR
CERTAIN SEXUAL CRIMES; MAKING CONFORMING AMENDMENTS; REPEALING
SECTION 30-1-9.2 NMSA 1978 (BEING LAWS 2003, CHAPTER 257,
SECTION 1).

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
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

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1 years from the time the crime was committed; and

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

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

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

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

11 [F.] E. for a felony pursuant to Section 7-1-71.3,
12 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the
13 crime was committed; provided that for a series of crimes
14 involving multiple filing periods within one calendar year, the
15 limitation shall begin to run on December 31 of the year in
16 which the crimes occurred;

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

20 [H.] G. for any crime not contained in the Criminal
21 Code or where a limitation is not otherwise provided for,
22 within three years from the time the crime was committed; and

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

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

4 (1) a capital felony, as provided in Section
5 31-18-14 NMSA 1978;

6 (2) a first degree violent felony;

7 (3) second degree murder, as provided in
8 Subsection B of Section 30-2-1 NMSA 1978;

9 (4) second, third or fourth degree criminal
10 sexual penetration, as provided in Section 30-9-11 NMSA 1978;

11 (5) second, third or fourth degree criminal
12 sexual contact of a minor, as provided in Section 30-9-13 NMSA
13 1978;

14 (6) second, third or fourth degree attempt to
15 commit a felony, as provided in Section 30-28-1 NMSA 1978, if
16 the crime attempted is:

17 (a) criminal sexual penetration, as
18 provided in Section 30-9-11 NMSA 1978; or

19 (b) criminal contact of a minor, as
20 provided in Section 30-9-13 NMSA 1978;

21 (7) second, third or fourth degree conspiracy,
22 as provided in Section 30-28-2 NMSA 1978, if the crime
23 conspired to be committed is:

24 (a) criminal sexual penetration, as
25 provided in Section 30-9-11 NMSA 1978; or

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1 **(b) criminal contact of a minor, as**
2 **provided in Section 30-9-13 NMSA 1978; and**

3 **(8) second, third or fourth degree criminal**
4 **solicitation, as provided in Section 30-28-3 NMSA 1978, if the**
5 **crime solicited is:**

6 **(a) criminal sexual penetration, as**
7 **provided in Section 30-9-11 NMSA 1978; or**

8 **(b) criminal contact of a minor, as**
9 **provided in Section 30-9-13 NMSA 1978."**

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

12 "30-1-9.1. [~~OFFENSES AGAINST CHILDREN~~] ALLEGED VIOLATIONS
13 FOR THE ABANDONMENT OR ABUSE OF A CHILD--TOLLING OF STATUTE OF
14 LIMITATIONS.--The applicable time period for commencing
15 prosecution pursuant to Section 30-1-8 NMSA 1978 shall not
16 commence to run for an alleged violation of abandonment or
17 abuse of a child, as provided in Section 30-6-1 [~~30-9-11 or~~
18 ~~30-9-13~~] NMSA 1978 until the victim attains the age of eighteen
19 or the violation is reported to a law enforcement agency,
20 whichever occurs first."

21 **SECTION 3.** REPEAL.--Section 30-1-9.2 NMSA 1978 (being
22 Laws 2003, Chapter 257, Section 1) is repealed.