

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 151

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

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 A PUBLIC EMPLOYEE OR BY THE NEGLIGENCE
OF A PUBLIC BODY; PROVIDING LIMITATIONS; PROVIDING A PROCESS

.233890.2

underscoring material = new
~~[bracketed material] = delete~~

1 FOR SUBMITTING CLAIMS; REQUIRING A HEARING ON CERTAIN CLAIMS;
2 ASSIGNING POWERS 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
 .233890.2

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.

.233890.2

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 as follows:

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

23 (b) one voting member, appointed by the
24 speaker of the house of representatives, shall be a sexual
25 assault nurse examiner licensed by the board of nursing or

.233890.2

1 other licensed health care provider with expertise in providing
2 medical and forensic services to victims of sexual crimes;

3 (c) one voting member, appointed by the
4 president pro tempore of the senate, shall be a person who
5 represents an organization based in New Mexico that provides
6 services to victims of childhood sexual abuse;

7 (d) one voting member, appointed by the
8 president pro tempore of the senate, shall be a retired judge
9 or justice who is a licensed attorney in good standing with the
10 state bar of New Mexico; and

11 (e) one voting member, appointed by the
12 governor, shall be a person who is a survivor advocate; and

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

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

18 (b) the director or the director's
19 designee, who shall assist the commission in determining the
20 amount of compensation for a substantiated claim and in
21 considering the solvency of the fund.

22 D. The commission shall elect a chair no later than
23 thirty days from the date all members are appointed. Once the
24 commission is appointed, the commission is vested with all
25 powers necessary to conduct hearings, including the powers to

.233890.2

1 compel the attendance of witnesses, administer oaths and issue
2 subpoenas. Process for the commission shall be issued by the
3 chair upon majority vote of all voting members by July 1, 2027.
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 E. Each voting member shall upon appointment take
11 and subscribe to an oath or affirmation that the member will
12 support the constitution of the United States and the
13 constitution and laws of the state and that the member will
14 faithfully and impartially discharge the duties of the member's
15 position to the best of the member's abilities. Voting members
16 are entitled to reimbursement for per diem and mileage in
17 accordance with the Per Diem and Mileage Act and shall receive
18 no other compensation, perquisite or allowance for service on
19 the commission. Per diem and mileage reimbursement for members
20 of the commission shall be paid from the fund. The commission
21 shall function until all timely claims made against the fund
22 are disposed. An appointed voting member shall hold that
23 member's appointment for a term of five years. A vacancy on
24 the commission shall be filled by the original appointing
25 authority.

.233890.2

1 F. A person alleging to have suffered from
2 childhood sexual abuse caused by an act of a public employee or
3 by the negligence of a public body is eligible to submit a
4 claim against the fund if:

5 (1) the childhood sexual abuse occurred before
6 July 1, 2026;

7 (2) the person has not received any remedy for
8 the childhood sexual abuse pursuant to a civil judgment or
9 settlement; and

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

13 G. A claimant who submits a claim against the fund
14 shall have the burden to prove by a preponderance of the
15 evidence that the claimant sustained personal injury from
16 childhood sexual abuse caused by an act of a public employee or
17 by the negligence of a public body.

18 H. A claim against the fund shall be submitted to
19 the director on or before June 30, 2030. The director shall:

20 (1) begin accepting claims on July 1, 2027;

21 (2) determine the form and manner for claims
22 to be submitted;

23 (3) facilitate the commission's review of each
24 claim submitted; and

25 (4) provide staff for the commission.

1 I. The commission shall conduct a preliminary
2 review of a claim within ninety days from the date the claim is
3 submitted to ascertain whether a claimant has alleged personal
4 injury from childhood sexual abuse caused by an act of a public
5 employee or by the negligence of a public body. If the
6 commission determines upon preliminary review that a claimant
7 has alleged personal injury from childhood sexual abuse caused
8 by an act of a public employee or by the negligence of a public
9 body, the commission shall hold a hearing on the claim. If the
10 commission determines upon preliminary review that a claimant
11 has not alleged any personal injury from childhood sexual abuse
12 caused by an act of a public employee or by the negligence of a
13 public body, the commission shall give notice to the claimant
14 of the basis for the commission's determination and allow the
15 claimant to provide additional information within ninety days
16 from the date of the notice. If the claimant fails to provide
17 additional information, the commission may issue an order
18 dismissing the claim.

19 J. A hearing on a claim shall be conducted pursuant
20 to commission-adopted procedures that are uniform and provide
21 for the ascertainment of truth and a just determination. The
22 commission shall give the claimant one hundred twenty days'
23 notice of witnesses identified by the commission before the
24 hearing. The claimant shall have sixty days to add witnesses
25 and to object to any witnesses identified by the commission.

.233890.2

1 The commission shall not seek or consider any evidence
2 regarding the claimant's sexual behavior or the claimant's
3 sexual predisposition.

4 K. The commission shall, upon request, make
5 reasonable accommodations to prevent the claimant's mental
6 anguish. The claimant shall have the right to pick the order
7 of witnesses and to question witnesses. If applicable, the
8 claimant's attorney or non-attorney advocate may attend and
9 participate in the hearing by giving an opening statement,
10 questioning witnesses and giving a closing statement. A
11 hearing shall be completed within three hundred sixty-five days
12 from the date the claim is filed; provided that this time may
13 be extended by the commission with the claimant's consent.
14 Within ninety days after a hearing is completed, the commission
15 shall issue an order with written findings of fact and
16 conclusions as to whether the claimant met the burden of proof
17 for the claim.

18 L. If a claimant meets the burden of proof for a
19 claim, the commission shall determine the compensation to which
20 the claimant is entitled and issue an order for compensation
21 from the fund. The maximum compensation payable to a claimant
22 is seven hundred thousand dollars (\$700,000). In determining
23 the compensation for a claimant, the commission shall consider
24 and make written findings as part of the commission's order as
25 to the following factors:

.233890.2

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

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

5 (3) the economic and social impact of the
6 abuse on the claimant;

7 (4) the circumstances of the abuse and the
8 response of the public body;

9 (5) the nature of the evidence presented;

10 (6) the total number of claims currently
11 pending before the commission, any evidence submitted to the
12 commission regarding those claims and the funds available to
13 the commission to compensate those claimants; and

14 (7) any other factor relevant to the
15 commission's determination.

16 M. A claimant aggrieved by any order of the
17 commission shall have a statutory right of review to the
18 district court pursuant to Section 39-3-1.1 NMSA 1978.

19 N. A claimant's acceptance of compensation from the
20 fund constitutes a waiver of any civil claim the claimant may
21 have against any public body arising from the childhood sexual
22 abuse that gave rise to the claim. Nothing in this section
23 shall be construed to waive, limit or impair civil or criminal
24 claims against a private person that arise from the childhood
25 sexual abuse that gave rise to the claim.

.233890.2

1 O. Records created and maintained pursuant to this
2 section are not public records, and the names and identifying
3 information of persons in the record, including the claimant,
4 shall be confidential. The hearings of the commission shall be
5 considered deliberations of a public body in connection with an
6 administrative adjudicatory proceeding for the purposes of the
7 Open Meetings Act.

8 P. At the advice of the attorney general or the
9 attorney general's designee, the commission shall refer
10 suspected crimes to the district attorney of the relevant
11 judicial district.

12 Q. The commission shall provide an annual report to
13 the governor and the legislature each year the commission
14 functions. The report shall include information about the
15 number of claims submitted, reviewed and disposed, the manner
16 of the dispositions, a list of the public bodies implicated in
17 the claims and the number of claims submitted against each
18 public body listed and the amount of compensation paid to
19 claimants. The report shall also include the number of pending
20 claims that have been submitted to the commission but not yet
21 compensated by the commission and an analysis of any additional
22 appropriations the commission requires to fairly compensate the
23 remaining claimants.

24 **SECTION 3. APPROPRIATION.**--Twenty-five million dollars
25 (\$25,000,000) is appropriated from the general fund to the

.233890.2

underscoring material = new
~~[bracketed material] = delete~~

1 survivors' justice and compensation fund for expenditure in
2 fiscal year 2027 and subsequent fiscal years for the purposes
3 of the fund. Any unexpended balance remaining at the end of a
4 fiscal year shall not revert to the general fund.

5 SECTION 4. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2026.

underscoring material = new
~~[bracketed material]~~ = delete