

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.

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  
years from the time the crime was committed; and

[B.] (2) for a third or fourth degree felony,

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underscored material = new  
[bracketed material] = delete

1 within five years from the time the crime was committed;

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

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

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

9 [F.] E. for a felony pursuant to Section 7-1-71.3,  
10 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the  
11 crime was committed; provided that for a series of crimes  
12 involving multiple filing periods within one calendar year, the  
13 limitation shall begin to run on December 31 of the year in  
14 which the crimes occurred;

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

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

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

24 H. no limitation period shall exist and prosecution  
25 for ~~[these]~~ the following crimes may commence at any time after

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1 the occurrence of [~~the crime~~]:

2 (1) a capital felony, as provided in Section  
3 31-18-14 NMSA 1978;

4 (2) a first degree violent felony;

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

7 (4) second degree criminal sexual contact of a  
8 minor, as provided in Section 30-9-13 NMSA 1978."

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

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

21 SECTION 3. Section 30-1-9.2 NMSA 1978 (being Laws 2003,  
22 Chapter 257, Section 1) is amended to read:

23 "30-1-9.2. CRIMINAL SEXUAL PENETRATION--TOLLING OF  
24 STATUTE OF LIMITATIONS.--

25 A. When DNA evidence is available and a suspect has

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1 not been identified, the applicable time period for commencing  
2 a prosecution pursuant to Section 30-1-8 NMSA 1978 shall not  
3 commence to run for an alleged violation of a third or fourth  
4 degree felony pursuant to Section 30-9-11 NMSA 1978 until a DNA  
5 profile is matched with a suspect.

6 B. As used in this section, "DNA" means  
7 deoxyribonucleic acid."