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

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

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

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

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

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;

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;

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

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

(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;

(4) second degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978; or

(5) second degree criminal sexual penetration, as provided in Section 30-9-11 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, a third or fourth degree felony as provided in Section 30-9-11 NMSA 1978 or a third or fourth degree felony as provided in Section 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."

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."