HOUSE BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIMINAL LAW; EXTENDING THE TIME LIMITATION FOR PROSECUTING THE CRIMES OF CONSPIRACY AND TAMPERING WITH EVIDENCE TO COINCIDE WITH THE TIME LIMITATION FOR THE UNDERLYING CRIME; PROVIDING NO TIME LIMITATION FOR PROSECUTING A FIRST DEGREE FELONY OR SECOND DEGREE MURDER.

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. for a second degree felony, <u>except for murder in the second degree</u>, within six years from the time the crime was

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committed;

B. for a third or fourth degree felony, within five years from the time the crime was committed;

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

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

E. for the crime of conspiracy, within the same time period as the crime conspired to be committed would be prosecuted;

F. for the crime of tampering with evidence, within the same time period as the crime for which the tampering with evidence was committed would be prosecuted;

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

[~~F.~~] H. 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;

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

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[~~H.~~] J. 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

[~~I.~~] K. for a capital felony [~~or~~], a first degree [~~violent~~] felony or murder in the second degree, no limitation period shall exist and prosecution for these crimes may commence at any time after the occurrence of the crime."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2016.

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