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BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIMINAL LAW; REVISING THE TIME LIMITATIONS FOR
COMMENCING PROSECUTIONS.

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, within six years
from the time the crime was 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~~

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1 ~~time the crime was committed;~~

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

4 ~~E. for any crime against or violation of Section~~
5 ~~51-1-38 NMSA 1978, within three years from the time the crime~~
6 ~~was committed;~~

7 ~~F. for a felony pursuant to Section 7-1-71.3,~~
8 ~~7-1-72 or 7-1-73 NMSA 1978, within five years from the time the~~
9 ~~crime was committed; provided that for a series of crimes~~
10 ~~involving multiple filing periods within one calendar year, the~~
11 ~~limitation shall begin to run on December 31 of the year in~~
12 ~~which the crimes occurred;~~

13 ~~G. for an identity theft crime pursuant to Section~~
14 ~~30-16-24.1 NMSA 1978, within five years from the time the crime~~
15 ~~was discovered;~~

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

19 ~~I. for a capital felony or a first degree violent~~
20 ~~felony, no limitation period shall exist and prosecution for~~
21 ~~these crimes may commence at any time after the occurrence of~~
22 ~~the crime.]~~

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

25 B. for a misdemeanor, within two years from the

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- 1 time the crime was committed;
- 2 C. for a fourth degree felony, within four years
- 3 from the time the crime was committed;
- 4 D. for a third degree felony, within ten years from
- 5 the time the crime was committed;
- 6 E. for a second degree felony, within twenty years
- 7 from the time the crime was committed;
- 8 F. for a first degree felony, a capital felony and
- 9 murder in the first or second degree, no limitation period
- 10 shall exist, and prosecution for these crimes may commence at
- 11 any time after the occurrence of the crime; and
- 12 G. for any other crime for which a time limitation
- 13 is not provided, within five years from the time the crime was
- 14 committed."

15 **SECTION 2. APPLICABILITY.**--The provisions of this act
16 apply to crimes committed on or after July 1, 2013 and to
17 crimes committed before July 1, 2013 if the limitation period
18 has not expired on July 1, 2013.

19 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
20 provisions of this act is July 1, 2013.