

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 55

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO CRIMINAL JUSTICE; EXTENDING TIME LIMITS FOR  
PROSECUTING CERTAIN OFFENSES AGAINST CHILDREN; MAKING TECHNICAL  
AND CONFORMING CHANGES.

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

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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 time the crime was committed;

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

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

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

H. 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. for a capital felony or a first degree violent

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felony, no limitation period shall exist and prosecution for these crimes may commence at any time after the occurrence of the crime; and

J. for a crime against a child in violation of HJC2→HJC→~~Section 30-6A-3 Subsection D of Section 30-6A-3 or Section~~←HJC Section 30-9-11 NMSA 1978←HJC2, 30-6A-4, 30-9-11 or 30-9-13 NMSA 1978, prosecution for these crimes may commence at any time after the occurrence of the crime and until the alleged victim reaches the age of HJC2→~~thirty-five years~~ thirty years; provided that this subsection shall not apply to violent first degree felonies or to Paragraph (1) of Subsection G of Section 30-9-11 NMSA 1978.←HJC2 HJC2→HJC→; ~~provided that this subsection shall not apply to violent first degree felonies or to Paragraph (1) of Subsection G of Section 30-9-11 NMSA 1978.~~←HJC←HJC2"

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--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 Section 30-6-1 [~~30-9-11 or 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."