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HOUSE BILL 14

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR A SIX-YEAR TIME
LIMITATION FOR PROSECUTING FIRST DEGREE FELONY TRAFFICKING
CONTROLLED SUBSTANCES; 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
OTHER FIRST DEGREE FELONIES 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:

.205340.2

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1 A. for a second degree felony, except for murder in
2 the second degree, and for first degree felony trafficking
3 controlled substances pursuant to Section 30-31-20 NMSA 1978,
4 within six years from the time the crime was committed;

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

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

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

11 E. for the crime of conspiracy pursuant to Section
12 30-28-2 NMSA 1978, within the same time period as the highest
13 crime conspired to be committed would be prosecuted;

14 F. for the crime of tampering with evidence
15 pursuant to Section 30-22-5 NMSA 1978, within the same time
16 period as the highest crime for which the tampering with
17 evidence was committed would be prosecuted;

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

21 ~~[F.]~~ H. for a felony pursuant to Section 7-1-71.3,
22 7-1-72 or 7-1-73 NMSA 1978, within five years from the time the
23 crime was committed; provided that for a series of crimes
24 involving multiple filing periods within one calendar year, the
25 limitation shall begin to run on December 31 of the year in

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1 which the crimes occurred;

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

5 ~~[H.]~~ J. for any crime not contained in the Criminal
6 Code or where a limitation is not otherwise provided for,
7 within three years from the time the crime was committed; and

8 ~~[I.]~~ K. for a capital felony ~~[or]~~, a first degree
9 violent felony, except as provided in Subsection A of this
10 section, or murder in the second degree, no limitation period
11 shall exist and prosecution for these crimes may commence at
12 any time after the occurrence of the crime."

13 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
14 provisions of this act is July 1, 2017.