

HOUSE BILL 269

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

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING NO TIME LIMITATION FOR
PROSECUTING CRIMINAL SEXUAL PENETRATION.

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
20 violent felony or a violation of Section 30-9-11 NMSA 1978, no
21 limitation period shall exist and prosecution for these crimes
22 may commence at any time after the occurrence of the crime."

23 SECTION 2. REPEAL.--Section 30-1-9.2 NMSA 1978 (being
24 Laws 2003, Chapter 257, Section 1) is repealed.

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

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