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SENATE BILL 37

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING NO TIME LIMITATION FOR  
PROSECUTING THE CRIMES OF MURDER IN THE SECOND DEGREE,  
VOLUNTARY MANSLAUGHTER, INVOLUNTARY MANSLAUGHTER, ASSISTING  
SUICIDE AND HOMICIDE BY VEHICLE.

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

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1 years from the time the crime was committed;

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

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

6 E. for any crime against or violation of Section  
7 51-1-38 NMSA 1978, within three years from the time the crime  
8 was committed;

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

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

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

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

25 (1) murder in the first or second degree as

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- provided in Section 30-2-1 NMSA 1978;
- (2) voluntary or involuntary manslaughter as provided in Section 30-2-3 NMSA 1978;
- (3) assisting suicide as provided in Section 30-2-4 NMSA 1978;
- (4) homicide by vehicle as provided in Section 66-8-101 NMSA 1978; or
- (5) a first degree felony."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.