

LFC Requester: _____

**AGENCY BILL ANALYSIS
2020 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date January 30, 2020
Bill No: SB 97

Sponsor: Jeff Steinborn
Short Title: Extend time limits for
Prosecuting crimes against

Agency Name and Code Number: Administrative Office of the
District Attorneys
Person Writing: Donald Gallegos
Phone: 575-770-3120 **Email:** dgallegos@questalaw.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY20	FY21	FY22		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 97 amends §30-1-8, NMSA 1978 by adding language in Paragraph J (page 2, lines 24 and 25, and page 3, lines 1-5) that extends the time for prosecution for a crime against a child in violation of §30-9-11. Prosecution may commence any time after the occurrence of the crime and until the victim reaches the age of thirty years. This time limitation does not apply to violent first degree felonies or to paragraph (1) of Subsection G of Section 30-9-11, NMSA 1978 (fourth degree criminal sexual penetration).

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

1. Presently, criminal sexual penetration of a child can fall under first, second, third- and fourth-degree penalty provisions based on the facts.
2. There is no statute of limitations for a first-degree criminal sexual penetration (CSP) of a minor (minor under the age of thirteen).
3. Presently, the statute of limitations for CSP of a minor, second degree felony, is six years.
4. Presently, the statute of limitations for CSP if a minor, third degree or fourth degree is five years
5. SB extends the time limits for second, third and fourth degree CSP of a minor as indicated above in the synopsis.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

§§30-1-9, 30-1-9.1, 30-1-9.2

TECHNICAL ISSUES

A first degree CSP of a minor is considered a violent felony and does not have a limitation on commencing prosecution (see §31-2-34 L (4) (f)).

OTHER SUBSTANTIVE ISSUES

§30-1-9.1 is amended by deleting §30-9-11 as that section will be covered by the provisions contained in SB 97 dealing with §30-1-8.

Daily advancements in DNA technology, combined with increasing time limitations for these crimes, will mean greater accountability for perpetrators along with healing for victims.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Perpetrators may get away with these crimes thanks to the passage of time.

AMENDMENTS