

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 February 4, 2020
Bill No: SB 97/a-264

Sponsor: Jeff Steinborn
Short Title: Extend time limits for prosecuting certain offenses

Agency Name and Code Number: Administrative Office of the District Attorneys 264
Person Writing: Donald Gallegos
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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/a amends SB 97 by including the offense of fourth degree criminal sexual penetration of a minor (§30-9-11G (1), NMSA 1978) in the tolling of statute of limitations provisions contained in §30-1-9. 1, NMSA 1978.

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

Without the amendment, the statute of limitations for the crime of fourth degree criminal sexual penetration of a minor (§30-9-11G (1), NMSA 1978) begins to run from the time the crime is committed. Therefore, if the crime is committed when the child was 14 years old, prosecution would have to commence by the time the child turned 19 years old, regardless of whether the crime is reported to law enforcement.

The amendment contained in SB 97/a provides that prosecution shall not commence to run until the victim attains the age of 18 or the violation is reported to a law-enforcement agency, whichever occurs first.

Applying the amendment, if the crime occurs when the child is 14 years old, prosecution will have to commence by the time the child turns 23 years old (child reaches 18, plus 5 years). If the child reports the offense to law enforcement when they turn 16 years old, prosecution will have to commence by the time the child turns 21 years old (16 years old, plus 5 years).

SB 97/a will allow more time to prosecute offenders who perpetrate criminal sexual penetration of a child, fourth degree felony, and thus will afford more protection to victims, accountability from perpetrators and decreases the possibility that perpetrators will get away with their crimes.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS