

HOUSE BILL 272

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

## INTRODUCED BY

Nathan P. Small

## AN ACT

RELATING TO CRIME; CREATING THE CRIMES OF RESIDENTIAL AND COMMERCIAL DEED THEFT; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Criminal Code is enacted to read:

"[NEW MATERIAL] DEED THEFT--PENALTIES.--

A. Deed theft consists of:

(1) intentionally altering, falsifying, forging or misrepresenting property documents, such as residential or commercial deeds or titles, with the intent to deceive, defraud or unlawfully transfer or encumber the ownership rights of a residential or commercial real property;

(2) providing, with the intent to defraud, misrepresentations as to the ownership or the authorized

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representative of residential or commercial real property to induce others to rely on the false information in order for the person providing the misrepresentations to obtain ownership or possession of the real property; or

(3) with the intent to defraud, taking, obtaining, stealing or transferring ownership of real property by fraud, forgery, larceny or any fraudulent or deceptive practice.

B. A person who commits deed theft is guilty of a:

(1) third degree felony when the person commits deed theft of one commercial real property;

(2) second degree felony when the person commits deed theft of:

(a) one residential real property;

(b) one mixed-use property with at least one residential unit; or

(c) two or more commercial real properties; or

(3) first degree felony when the person commits deed theft of a residential real property that:

(a) is occupied as a home by at least one person; or

(b) involves a home that is owned or occupied by a person sixty years of age or older, an incompetent person, an incapacitated person or a person with a

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1 physical disability.

2 C. A person is guilty of aggravated deed theft, a  
3 first degree felony, when the person commits deed theft of two  
4 or more residential real properties.

5 D. As used in this section:

6 (1) "commercial real property" means  
7 nonresidential property formerly or currently used primarily  
8 for business, retail, governmental or professional purposes;

9 (2) "incapacitated person" means a person  
10 lacking the ability to manage property and business affairs  
11 effectively by reason of mental illness, mental deficiency,  
12 physical illness or disability, chronic use of drugs, chronic  
13 intoxication, confinement, detention by a foreign power,  
14 disappearance, minority or other disabling cause;

15 (3) "incompetent" means a person who has been  
16 judicially declared incapable of managing the person's affairs;

17 (4) "mixed-use property" means property on  
18 which a building or structure is used for both residential and  
19 commercial or nonresidential purposes; and

20 (5) "residential real property" means real  
21 property or a manufactured or modular home that is used or  
22 intended to be used for residential purposes."