

1 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 100

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10 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

11 AN ACT

12 RELATING TO CRIME; PROVIDING A DEFINITION OF "STRUCTURE" FOR
13 BURGLARY AND AGGRAVATED BURGLARY.

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

15 SECTION 1. Section 30-16-3 NMSA 1978 (being Laws 1963,
16 Chapter 303, Section 16-3, as amended) is amended to read:

17 "30-16-3. BURGLARY.--

18 A. Burglary consists of the unauthorized entry of
19 [any] a vehicle, a watercraft, an aircraft, a dwelling or other
20 structure, movable or immovable, with the intent to commit any
21 felony or theft [therein] in the vehicle, watercraft, aircraft,
22 dwelling or other structure.

23 [A.] B. Any person who, without authorization,
24 enters a dwelling [house] with intent to commit any felony or
25 theft therein is guilty of a third degree felony.

1 [B.] C. Any person who, without authorization,
2 enters any vehicle, watercraft, aircraft or other structure,
3 movable or immovable, with intent to commit any felony or theft
4 therein is guilty of a fourth degree felony.

5 D. As used in this section, "structure" includes a
6 protected space enclosed to the degree that it is capable of
7 confining people or property and creates the expectation of
8 privacy against an unauthorized intrusion. The boundaries of a
9 structure may extend to a partially enclosed construction
10 attached to and constituting an extension of a dwelling, in a
11 location that creates the expectation of privacy and in such a
12 manner that a reasonable person would expect protection from
13 an unauthorized intrusion."

14 SECTION 2. Section 30-16-4 NMSA 1978 (being Laws 1963,
15 Chapter 303, Section 16-4) is amended to read:

16 "30-16-4. AGGRAVATED BURGLARY.--

17 A. Aggravated burglary consists of the unauthorized
18 entry of [any] a vehicle, a watercraft, an aircraft, a dwelling
19 or other structure, movable or immovable, with intent to commit
20 [any] a felony or theft [therein] in the vehicle, watercraft,
21 aircraft, dwelling or other structure and the person either:

22 [A.] (1) is armed with a deadly weapon;
23 [B.] (2) after entering, [arms himself] is
24 armed with a deadly weapon; or
25 [C.] (3) commits a battery upon [any] a person

while in [such] the place or in entering or leaving [such] the place.

B. Whoever commits aggravated burglary is guilty of a second degree felony.

C. As used in this section, "structure" includes a protected space enclosed to the degree that it is capable of confining people or property and creates the expectation of privacy against an unauthorized intrusion. The boundaries of a structure may extend to a partially enclosed construction attached to and constituting an extension of a dwelling, in a location that creates the expectation of privacy and in such a manner that a reasonable person would expect protection from an unauthorized intrusion."

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underscored material = new
[bracketed material] = delete