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SENATE BILL 256

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

INTRODUCED BY

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AN ACT

RELATING TO AIRCRAFT; CREATING A FOURTH DEGREE FELONY FOR THE
UNLAWFUL INTERFERENCE WITH THE FLIGHT AND OPERATION OF AN
AIRCRAFT; ESTABLISHING A FINE FOR THE FOURTH DEGREE UNLAWFUL
INTERFERENCE WITH THE FLIGHT AND OPERATION OF AN AIRCRAFT;
INCLUDING DIRECTING A LASER AT AN AIRCRAFT AS UNLAWFUL
INTERFERENCE; REPEALING SECTION 64-1-23 NMSA 1978 (BEING LAWS
1965, CHAPTER 34, SECTION 3).

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

SECTION 1. Section 64-1-22 NMSA 1978 (being Laws 1965,
Chapter 34, Section 2) is amended to read:

"64-1-22. UNLAWFUL INTERFERENCE WITH THE FLIGHT AND
OPERATION OF AN AIRCRAFT--PENALTIES.--[Any]

A. Unlawful interference with the flight and
operation of an aircraft consists of a person discharging a

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1 firearm or setting in flight any missile, projectile, laser or
2 object intended to strike, interfere with or collide with any
3 flying aircraft [~~shall be guilty of~~] or aviation support
4 system. Whoever commits unlawful interference with the flight
5 and operation of an aircraft is guilty of a fourth degree
6 felony and shall be sentenced pursuant to the provisions of
7 Section 31-18-15 NMSA 1978.

8 B. As used in this section, "laser" means a device
9 designed or used to amplify electromagnetic radiation by
10 stimulated emission that emits a beam designed to be used by
11 the operator as a pointer or highlighter to indicate, mark or
12 identify a specific position, place, item or object."

13 **SECTION 2.** Section 31-18-15 NMSA 1978 (being Laws 1977,
14 Chapter 216, Section 4, as amended) is amended to read:

15 "31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--
16 BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS
17 DEDUCTIONS.--

18 A. As used in a statute that establishes a
19 noncapital felony, the following defined felony classifications
20 and associated basic sentences of imprisonment are as follows:

21 FELONY CLASSIFICATION	BASIC SENTENCE
22 first degree felony	
23 resulting in the death	
24 of a child	life imprisonment
25 first degree felony for	

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1	aggravated criminal sexual	
2	penetration	life imprisonment
3	first degree felony	eighteen years imprisonment
4	second degree felony	
5	resulting in the death of	
6	a human being	eighteen years imprisonment
7	second degree felony for a	
8	sexual offense against a	
9	child	fifteen years imprisonment
10	second degree felony for	
11	sexual exploitation of	
12	children	twelve years imprisonment
13	second degree felony	nine years imprisonment
14	third degree felony resulting	
15	in the death of a human being	six years imprisonment
16	third degree felony for a	
17	sexual offense against a	
18	child	six years imprisonment
19	third degree felony for sexual	
20	exploitation of children	eleven years imprisonment
21	third degree felony	three years imprisonment
22	fourth degree felony for	
23	sexual exploitation of	
24	children	ten years imprisonment
25	<u>fourth degree felony for</u>	

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1 unlawful interference with
2 the flight and operation of
3 an aircraft five years imprisonment
4 fourth degree felony eighteen months imprisonment.

5 B. The appropriate basic sentence of imprisonment
6 shall be imposed upon a person convicted and sentenced pursuant
7 to Subsection A of this section, unless the court alters the
8 sentence pursuant to the provisions of the Criminal Sentencing
9 Act.

10 C. A period of parole shall be imposed only for
11 felony convictions wherein a person is sentenced to
12 imprisonment of more than one year, unless the parties to a
13 proceeding agree that a period of parole should be imposed. If
14 a period of parole is imposed, the court shall include in the
15 judgment and sentence of each person convicted and sentenced to
16 imprisonment in a corrections facility designated by the
17 corrections department authority for a period of parole to be
18 served in accordance with the provisions of Section 31-21-10
19 NMSA 1978. If imposed, the period of parole shall be deemed to
20 be part of the sentence of the convicted person in addition to
21 the basic sentence imposed pursuant to Subsection A of this
22 section together with alterations, if any, pursuant to the
23 provisions of the Criminal Sentencing Act.

24 D. When a court imposes a sentence of imprisonment
25 pursuant to the provisions of Section 31-18-15.1, 31-18-16 or
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1 31-18-17 NMSA 1978 and suspends or defers the basic sentence of
2 imprisonment provided pursuant to the provisions of Subsection
3 A of this section, the period of parole shall be served in
4 accordance with the provisions of Section 31-21-10 NMSA 1978
5 for the degree of felony for the basic sentence for which the
6 inmate was convicted. For the purpose of designating a period
7 of parole, a court shall not consider that the basic sentence
8 of imprisonment was suspended or deferred and that the inmate
9 served a period of imprisonment pursuant to the provisions of
10 the Criminal Sentencing Act.

11 E. The court may, in addition to the imposition
12 of a basic sentence of imprisonment, impose a fine not to
13 exceed:

14 (1) for a first degree felony resulting in the
15 death of a child, seventeen thousand five hundred dollars
16 (\$17,500);

17 (2) for a first degree felony for aggravated
18 criminal sexual penetration, seventeen thousand five hundred
19 dollars (\$17,500);

20 (3) for a first degree felony, fifteen
21 thousand dollars (\$15,000);

22 (4) for a second degree felony resulting in
23 the death of a human being, twelve thousand five hundred
24 dollars (\$12,500);

25 (5) for a second degree felony for a sexual

1 offense against a child, twelve thousand five hundred dollars
2 (\$12,500);

3 (6) for a second degree felony for sexual
4 exploitation of children, five thousand dollars (\$5,000);

5 (7) for a second degree felony, ten thousand
6 dollars (\$10,000);

7 (8) for a third degree felony resulting in the
8 death of a human being, five thousand dollars (\$5,000);

9 (9) for a third degree felony for a sexual
10 offense against a child, five thousand dollars (\$5,000);

11 (10) for a third degree felony for sexual
12 exploitation of children, five thousand dollars (\$5,000);

13 (11) for a third or fourth degree felony, five
14 thousand dollars (\$5,000); ~~or~~

15 (12) for a fourth degree felony for sexual
16 exploitation of children, five thousand dollars (\$5,000); or

17 (13) for a fourth degree felony for unlawful
18 interference with the flight and operation of an aircraft, two
19 hundred fifty thousand dollars (\$250,000).

20 F. When the court imposes a sentence of
21 imprisonment for a felony offense, the court shall indicate
22 whether or not the offense is a serious violent offense as
23 defined in Section 33-2-34 NMSA 1978. The court shall inform
24 an offender that the offender's sentence of imprisonment is
25 subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37

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1 and 33-2-38 NMSA 1978. If the court fails to inform an
2 offender that the offender's sentence is subject to those
3 provisions or if the court provides the offender with erroneous
4 information regarding those provisions, the failure to inform
5 or the error shall not provide a basis for a writ of habeas
6 corpus.

7 G. No later than October 31 of each year, the New
8 Mexico sentencing commission shall provide a written report to
9 the secretary of corrections, all New Mexico criminal court
10 judges, the administrative office of the district attorneys and
11 the chief public defender. The report shall specify the
12 average reduction in the sentence of imprisonment for serious
13 violent offenses and nonviolent offenses, as defined in Section
14 33-2-34 NMSA 1978, due to meritorious deductions earned by
15 prisoners during the previous fiscal year pursuant to the
16 provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38
17 NMSA 1978. The corrections department shall allow the
18 commission access to documents used by the department to
19 determine earned meritorious deductions for prisoners."

20 SECTION 3. REPEAL.--Section 64-1-23 NMSA 1978 (being Laws
21 1965, Chapter 34, Section 3) is repealed.