

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: 21 January 2026 **Check all that apply:**
Bill Number: HB 46 **Original** **Correction**
 Amendment **Substitute**

Sponsor: Cates
Short Title: Crime of Digital Sabotage of a Business

Agency Name and Code Number: New Mexico Sentencing Commission (354)
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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:

HB 46 amends the Computer Crimes Act by amending Section 30-45-2 NMSA 1978, the definitions section of the Act, and by creating a new section of the Act to create the crime of digital sabotage of a business.

HB 46 amends the definition of “computer property” by adding “domain name systems” into the list of items that are considered computer property. It also adds definitions for “digital resource” and “domain name system”.

The crime of “digital sabotage of a business” consists of a person knowingly and willfully and without authorization of a business using or modifying a digital resource that is used by that business to: (1) direct a person searching for that business on an internet protocol network to a different network location; (2) damage the functioning of a digital resource or the operations of the business; or (3) damage the reputation of the business by providing false or misleading information.

HB 46 provides for tiered penalties for digital sabotage of a business, depending on the cost of the damage, ranging from a petty misdemeanor all the way up to a second degree felony, with enhancements for repeat offenses.

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

Charges are very rarely brought under the Computer Crimes Act. Since FY24 there have been two cases brought under the Act, both for violations of Section 30-45-3, regarding computer access with intent to defraud or embezzle, as the lead offense, and nothing brought under the other two crimes in the Act, Sections 30-45-4, regarding computer abuse, or 30-45-5, regarding unauthorized computer use.

It is difficult to determine what the effect of passing HB 46 would be on the state’s prison population, but given the rarity in which charges are brought under the Act, it is unlikely there will be any impact. The average per day cost to incarcerate someone in the state’s prison system is \$153.08/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS