

AGENCY BILL ANALYSIS – 2026 SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(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: 1/20/2026 Check all that apply:
 Bill Number: HB46 Original Correction
 Amendment Substitute

Sponsor: Kathleen Cates and John Block **Agency Name and Code**
Short CRIME OF DIGITAL **Number:** 790 – Department of Public Safety
Title: SABOTAGE OF A BUSINESS **Person Writing:** Kent Augustine
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	NFI	NFI

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	NFI	NFI

(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	NFI	NFI	NFI	NFI	NFI	NFI

(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:

Amends the Computer Crimes Act to create the crime of digital sabotage of a business, defined as using a business's digital resource to provide false or misleading information, damage the functioning of a digital resource or the business, or redirect a potential customer searching for the business to a different network location. Penalties range from a second degree felony down to a petty misdemeanor, depending on the amount of damages.

FISCAL IMPLICATIONS

No fiscal implications to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS. HB 46 addresses a gap in New Mexico's criminal code by creating a specific offense for digital sabotage targeting businesses. The bill provides law enforcement with clear statutory authority to investigate and prosecute malicious actors who redirect customers away from legitimate businesses, damage digital infrastructure, or harm business reputations through false online information. The graduated penalty structure—scaling from petty misdemeanor to second-degree felony based on damage amounts—ensures proportionate consequences while providing appropriate tools for serious offenses. The bill's clear mens rea requirement ("knowingly and willfully and without authorization") protects against overbroad application while enabling effective prosecution of bad actors.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. Without this legislation, prosecutors must rely on general computer crimes statutes that may not clearly address modern forms of digital business sabotage, potentially leaving New Mexico businesses vulnerable to sophisticated online attacks without adequate legal recourse.

AMENDMENTS

None at this time.