



Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

HB134 creates a new criminal offense (petty misdemeanor) for knowing installation of a global positioning system device to track the location of another person without that person's knowledge, consent or permission. HB134 exceptions for a certified law enforcement officer acting in the officer's official duties and a private investigator licensed pursuant to the Private Investigations Act.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. New laws, amendments to existing laws and new hearings have the potential to increase court hearing time, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

In October 2021 the Administrative Office of the Courts established the Electronic Monitoring Supervision Unit to track use of Global Positioning System data when a GPS device as part of a pretrial monitoring program is lawful. monitoring of pretrial defendants was ordered by a court. See [Electronic-Monitoring-and-Supervision-EMS-Information-Page-9Dec2022.pdf](#). HB68 was adopted in 2022 setting legislative requirements for release of GPS data to law enforcement for which the Supreme Court has adopted rules and the AOC has implemented procedures pursuant to the rules and statute. See [Electronic-Monitoring-and-Supervision-EMS-Information-Page-9Dec2022.pdf](#).

HB134 appears to target installation of a GPS device on a car or some object carried by a person rather than the actual person, as with an ankle monitor. This is not explicit but seems to be the intent. It omits reference to the pretrial GPS process approved by the New Mexico Supreme Court or the statutorily regulated release of court GPS data to law enforcement officers. Court use of GPS devices is always done with the person's knowledge, consisting of locking an ankle monitor onto the pretrial defendant's person. It seems likely that these circumstances place court pretrial service's use of a GPS device beyond the reach of the proposed criminal provision in HB134, which prohibits installation of a GPS device without a person's knowledge, consent or permission. However, HB134 specifically recognizes exceptions for law enforcement and licensed private investigators. It would be consistent for HB134 to also recognize the lawful use of a GPS pretrial service's vice as part of a court's pretrial services program.

## **PERFORMANCE IMPLICATIONS**

None noted.

## **ADMINISTRATIVE IMPLICATIONS**

None noted.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None as of January 27, 2026.

## **TECHNICAL ISSUES**

None noted.

## **OTHER SUBSTANTIVE ISSUES**

None noted.

## **ALTERNATIVES**

None noted.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The presumptive penalty for a second-degree felony resulting in the death of a human being will remain 18 years.

## **AMENDMENTS**

Add to Section C a subsection (3) recognizing that the criminal provisions in HB134 do not apply to court pretrial services use of a GPS device. Language to consider might be; “(3) a court employee acting in the course of the employee’s duties within a pretrial release program.”