

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS – 2026 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: 26 JAN 2026 *Check all that apply:*
Bill Number: Hb134 Original Correction
 Amendment Substitute

Sponsor: Y. Gurrola/J Garratt **Agency Name and Code Number:** 790 – Department of Public Safety
Short Title: Unlawful Install of GPS **Person Writing:** Major Emmanuel T. Gutierrez
Phone: 505-917-2952 **Email:** Emmanuel.gutierrez@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	N/A	N/A

(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	N/A	N/A

(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: House Bill (HB-134) establishes a new crime in New Mexico for unlawfully installing a global positioning system (GPS) to track someone without their knowledge, consent, or permission. The bill defines the offense as knowingly installing, placing, or causing a GPS device to be installed for tracking purposes without authorization. A violation of this law would be considered a petty misdemeanor. The bill also includes exemptions for certified law enforcement officers acting in their official duties and for licensed private investigators, and it clarifies what qualifies as a GPS device.

FISCAL IMPLICATIONS

No fiscal implications for DPS.

SIGNIFICANT ISSUES

The bill does not include an exemption for a parent or legal guardian of a minor, creating the potential for unintended criminalization of lawful parental conduct. The absence of an explicit exemption may also introduce ambiguity in enforcement and prosecutorial discretion, particularly in situations involving routine parental supervision or discipline. Including a clear exemption for parents or legal guardians acting within their lawful authority would reduce uncertainty, improve enforceability, and strengthen the bill's overall clarity and effectiveness. .

PERFORMANCE IMPLICATIONS

HB-134 closes a gap in the law by criminalizing non-consensual GPS tracking, a tool increasingly used in stalking, domestic violence, and harassment. The bill modernizes public safety laws to reflect current technology, gives law enforcement a clear and narrowly defined charge, and allows earlier intervention to protect victims. Additionally, the bill is carefully tailored, does not interfere with legitimate law-enforcement investigations due to explicit exemptions, and uses a proportional penalty while aligning New Mexico with other states.

ADMINISTRATIVE IMPLICATIONS

The lack of a clear exemption for parents or legal guardians of minors creates ambiguity in enforcement and prosecutorial decision-making, particularly with respect to routine parental supervision or discipline.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical implications issues to DPS.

OTHER SUBSTANTIVE ISSUES

The lack of parental or guardian exemption may result in the unintended criminalization of lawful parental conduct, creating concerns about fair and consistent enforcement.

ALTERNATIVES

The bill would benefit from including an explicit exemption for parents or legal guardians acting within the scope of their lawful authority on behalf of a minor. Doing so would help clarify the bill's intent, reduce the risk of unintended application, and support fair and consistent enforcement.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

No amendments at this time.