

LFC Requester:

Scott Sanchez

### AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

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

Date Prepared: 01/28/2026

Check all that apply:

Bill Number: SB 136

Original  Correction   
Amendment  Substitute

Sponsor: Sen. George K. Muñoz and  
Sen. Pete Campos

Agency Name and Code Number: 305 – New Mexico  
Department of Justice

Short Title: Unlawful Use of Unmanned  
Aircraft

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis ( ) indicate expenditure decreases)

##### 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)**

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: SB 136 would amend New Mexico’s Criminal Code to add two new offenses. The first would prohibit the use of unmanned aircraft for the purpose of surveilling a person, privately owned real property, or critical infrastructure. The second would prohibit the use of unmanned aircraft near a critical infrastructure if it interferes or disturbs the infrastructure.

**Section 1** of SB 136 first establishes the unlawful use of an unmanned aircraft as a criminal offense in Subsection A. It would define this offense as using an unmanned aircraft to capture the image of a person, privately owned real property, or a critical infrastructure with the intent of conducting surveillance. Unlawful use of an unmanned aircraft would be a misdemeanor, unless the offense occurs in connection with the commission of a felony, or if the images collected are confidential. If either of these criteria are met, it would be a fourth-degree felony.

Subsection B and Subsection C of SB 136 establish the offense of unlawful use of an unmanned aircraft near a critical infrastructure facility. Under this, it would be a fourth-degree felony for someone to operate an unmanned aircraft near a critical infrastructure facility if it disturbs, interferes, or may interfere with the facility’s operations. It would likewise be a fourth-degree felony if the unmanned aircraft were to make contact with the facility, or any person or object on its premises.

Subsection D of SB 136 provides seven exceptions to both offenses described above. The following situations would be considered exceptions to the prohibitions on the unlawful use of an unmanned aircraft:

- if the unmanned aircraft operator has the consent of the person or owner of the property to capture images;
- if it is a federal, state, local, or Tribal government, or someone contracted by them capturing the images;
- instances where the unmanned aircraft is used for a legitimate commercial purpose or by a community-based organization, so long as it is operated consistent with state or federal laws;
- if images are captured by an unmanned aircraft pursuant to a valid search warrant, arrest warrant, or court order;
- instances in which an unmanned aircraft is used for a professional or academic purpose by someone acting on behalf of a higher education institution;

- if the images are captured by a professional land surveyor or engineer in their professional practice, so long as no person is identifiable in the image; or
- instances where the unmanned aircraft is used by an insurance company to capture images in connection with underwriting a policy or evaluating a claim on property.

Subsection E contains definitions relevant to SB 136. The first definition is “critical infrastructure facility,” which would include facilities for communications networks, electricity plants, natural gas, crude oil, water pipelines, correctional facilities, New Mexico’s national guard, the U.S. Department of Defense, or municipal airports. “Image” would be defined to include sound waves, as well as thermal, infrared, ultraviolet, and electromagnetic images. It would also include odor or other conditions. Finally, “unmanned aircraft” would be defined as aircraft that is operated or directed from afar, without the possibility of a person operating it from the inside.

### **FISCAL IMPLICATIONS**

N/A

### **SIGNIFICANT ISSUES**

Implementation of SB 136 may be facilitated by providing clearer guidance in the definition for the crime of unlawful use of an unmanned aircraft to interfere with infrastructure. Specifically, SB 136 would prohibit the use of unmanned aircraft *near* critical infrastructure facilities. The proposed legislation does not clarify what should be considered “near” for the purposes of criminal liability. Instead, this subsection would make illegal the use of unmanned aircraft in situations where the aircraft does or *may* interfere with the facility’s operations. Consider providing a more concrete measurement for “near” for smoother enforcement of SB 136.

### **PERFORMANCE IMPLICATIONS**

N/A

### **ADMINISTRATIVE IMPLICATIONS**

N/A

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

N/A

### **TECHNICAL ISSUES**

N/A

### **OTHER SUBSTANTIVE ISSUES**

N/A

### **ALTERNATIVES**

N/A

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

Status quo.

**AMENDMENTS**

N/A