

LFC Requester:	LFC Analyst 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: 26JAN26 *Check all that apply:*
Bill Number: HB144 Original Correction
 Amendment Substitute

Sponsor: Rep. Catherine J. Cullen **Agency Name and Code:** 790 – Department of Public Safety
Short Title: Crime of Unlawful Squatting **Person Writing:** Matthew Broom, Deputy Chief
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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	N/A	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

This bill creates a new 4th-degree felony “unlawful squatting” and creates a law-enforcement-driven removal process using affidavits/counter-affidavits.

FISCAL IMPLICATIONS

No Fiscal Impact to DPS.

SIGNIFICANT ISSUES

HB 144 places law enforcement officers in the position of evaluating legal documents and deciding property rights in the field. That function belongs to courts, not patrol officers, and creates unacceptable safety, consistency, and liability risks. Patrol officers are not trained to determine whether a lease is validly executed; whether a deed is authentic or outdated; whether proof of payment reflects a lawful tenancy; and whether documents are forged, altered, or selectively presented. In the field, officers would be expected to make fast decisions with incomplete information, no access to title records, and no ability to investigate fraud in real time. This bill places officers in the position of making legal determinations they are not equipped or trained to make.

Additionally, requiring officers to make possession calls creates a serious risk of wrongful displacement of lawful tenants, removal of occupants with valid but complex claims, and civil liability exposure for agencies and officers. Even though the bill allows for counter-affidavits and later court review, the initial decision-making still happens under color of law, potentially causing irreversible harm. Once an officer removes someone from a residence, the harm cannot be undone, even if a court later finds the removal improper.

Field decisions invite conflict and escalation. Document review in the field is not a neutral act — it is emotionally charged and dangerous. Occupants facing removal are often under extreme stress, and disputes over paperwork escalate rapidly. Officers become the immediate target of anger over civil disputes, which increases the likelihood of resistance or confrontation, use-of-force incidents, and officer injury or civilian harm. Therefore, requiring officers to adjudicate property rights at the scene significantly elevates the risk of confrontation and violence.

This bill, as written, may result in inconsistent enforcement across the state. This system guarantees inconsistency as one officer may accept a lease as sufficient while another may reject the same document. Rural agencies may handle cases differently than urban departments. This creates unequal application of the law and undermines public trust. Property rights should not depend on which officer responds to the call.

New Mexico has historically kept property possession disputes within the judiciary, not law enforcement discretion. HB 144 shifts that balance by turning possession disputes into immediate enforcement actions, making officers the first-line arbiters instead of courts, and collapsing civil and criminal processes into a single field encounter. Law enforcement should enforce court orders, not create them.

This bill may result in liability exposure for officers and law enforcement agencies. DPS would potentially face civil rights lawsuits for unlawful eviction, claims of due process violations, or potential personal liability concerns for officers acting under ambiguous standards. Even if agencies ultimately prevail, the cost of litigation and reputational harm is real. Therefore, this bill exposes officers and agencies to significant legal risk for decisions made under pressure and without judicial oversight.

PERFORMANCE IMPLICATIONS

HB 144 gives clear statutory authority to law enforcement to address squatting, which is currently murky and often treated as a purely civil landlord–tenant issue. The bill creates a distinct criminal offense of unlawful squatting that is a fourth-degree felony, rather than relying on general trespass statutes. This clarity helps officers avoid hesitation or inconsistent enforcement when responding to property-owner complaints.

Squatting situations generate repeated calls for service, neighborhood disputes, and escalation risks. The citation-and-documentation process (three business days to prove lawful entry) gives officers a concrete procedure. The affidavit process allows removal without months-long civil eviction proceedings when no legitimate claim exists.

Vacant and unlawfully occupied properties pose safety risks not just to owners, but to neighbors and first responders. Unlawful squatting often correlates with property damage, utility theft, fire hazards in vacant buildings, and secondary crimes occurring at the property. The bill’s double-damages provision and felony classification act as deterrents.

ADMINISTRATIVE IMPLICATIONS

The three-day requirement creates a prolonged enforcement gap that leaves law enforcement in limbo without clear authority or judicial oversight. During this period, officers are unable to resolve the situation but remain the default responders to repeated calls, escalating disputes, and deteriorating conditions at the property. Property damage, illegal activity, or safety hazards may continue unchecked, while officers lack guidance on monitoring or intervening short of a new criminal offense. What is framed as a due-process safeguard instead becomes a period of uncertainty that increases workload, confusion over timelines, and inconsistent enforcement across jurisdictions.

Additionally, concentrating enforcement action at the end of a fixed three-day deadline increases safety and liability risks. Occupants are aware of the clock and may use the time to delay, destroy property, or prepare to resist removal, heightening the likelihood of confrontation when officers return. Because removals occur without a court order or neutral judicial review, officers bear full responsibility for decisions that can permanently displace occupants, exposing agencies to civil liability and officers to heightened personal risk. The result is a system that appears to provide due process but, in practice, shifts legal judgment and enforcement risk onto patrol officers in the field.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship exist for DPS with HB-144.

TECHNICAL ISSUES

The definition of “unlawful squatting” applies to entering and residing on property “for any period of time” without the knowledge or consent of the owner or authorized representative. This vague and open-ended language provides no meaningful temporal threshold, making it unclear when criminal liability attaches. As a result, brief or incidental presence could be swept into felony enforcement. The lack of a defined time standard creates significant enforcement uncertainty, particularly in situations involving informal or verbal agreements, caregiving or family arrangements, or domestic and transitional living situations where consent may exist but be undocumented or disputed. This ambiguity invites inconsistent application, places officers in the position of interpreting intent and duration in the field, and raises due process concerns by failing to give clear notice of what conduct is criminal.

OTHER SUBSTANTIVE ISSUES

No other substantive issues exist for DPS for HB-144.

ALTERNATIVES

No alternatives exist for DPS for HB-144.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

No amendments.