

LFC Requester:	
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**AGENCY BILL ANALYSIS
2026 REGULAR 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}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 26, 2026
Bill No: SB 86-280

Sponsor: Crystal Brantley and Andrea Reeb
Short Title: HARRASSMENT BY TELEPHONE

Agency Name and Code 280 LOPD
Number: _____
Person Writing Allison H. Jaramillo
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: **Duplicates HB 58**
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This bill proposes to amend NMSA 1978, § 30-20-12, from *Use of Telephone* to terrify, intimidate, threaten, harass, annoy or offend to *Use of Electronic Communication* to terrify, intimidate, threaten, harass, annoy or offend. It changes the verb “to telephone” to “contact by electronic communication” instead.

The bill also adds subsection E, which defines electronic communication to include cell phone calls, social media posts, text messages, instant message or electronic mail.

FISCAL IMPLICATIONS

New Mexico also has harassment (NMSA 1978, Section 30-3A-2) and stalking (NMSA 1978, Section 30-3A-3) statutes that can also be used to charge similar conduct and so while this change does broaden the reach of this particular statute, major increases in charges overall are not expected.

SIGNIFICANT ISSUES

New Mexico has passed other statutes that apply to electronic communication. *See, e.g. NMSA 1978, § 30-37-3.2(A) (2007)* (child solicitation by electronic device); *NMSA 1978, § 66-7-374(A), (C)* (texting while driving applies to “handheld mobile device” and also includes a definition of text message); *NMSA 1978, § 22-35-2* (bullying prevention statute).

Notably, for child solicitation by electronic communication device, electronic communication device is defined as “a computer, video recorder, digital camera, fax machine, telephone, cellular telephone, pager, audio equipment or any other device that can produce an electronically generated image, message or signal.” *NMSA 1978, § 30-37-3.2 (F)(2007)*. It might be helpful to have a consistent definition of electronic communication across criminal statutes.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

This change in the law appears to be in response to *State v. Valerio*, 2025-NMCA-___, ¶ 1, No. A-1-CA-41515 (N.M. Ct. App. June 6, 2025), *cert. granted*, 2025-NMCERT-___ (No. S-1-SC-40981, Sept. 26, 2025), which held that “the telephone harassment statute does not encompass text messages.”

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This appears to be the same bill as HB 58.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

The *Valerio* case is currently in the Supreme Court. If the Supreme Court agrees with the State of New Mexico’s arguments on appeal, changes to the statute would be unnecessary to punish text messages as telephone harassment.

Reviewer is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill, analyst is unaware if it has been drawn pursuant to a special message of the Governor, and it was not vetoed following the previous regular session.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS