

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:** 1/26/2026

*Check all that apply:*

**Bill Number:** SB 86

Original x Correction       
Amendment      Substitute     

**Sponsor:** Reps. Crystal Brantley and  
Andrea Reeb

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

**Short Title:** Harassment by Telephone

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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)

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

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**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: This bill proposes to expand the crime of harassment by telephone to include harassment by any electronic medium or through social media.

Section 1 of this bill, if adopted, would broaden the language of Section 30-20-12, which currently only regards communication by telephone, to prohibit any electronic communication that has the intent to terrify, intimidate, threaten, harass, annoy, or offend or to use any obscene, lewd or profane language or suggest any lewd, criminal or lascivious act, or threaten to inflict injury or physical harm to the person or property of any person.

“Electronic communication” is a new, defined term created in the bill and would mean “(a) a wire line, cable, wireless or cellular telephone call; (b) a social media post; (c) a text message; or (d) an instant message or electronic mail.

Social media is another new, defined term created in the bill. If this bill is adopted, "social media" would mean a website or internet medium that: (a) permits a person to become a registered user, establish an account or create a profile for the purpose of allowing the person to create, share or view user-generated content through users' accounts or profiles; (b) enables one or more than one user to generate content that can be viewed by other users of the medium; and (c) primarily serves as a medium for users to interact with content generated by other users of the medium."

Violations of the section would be a misdemeanor, but if there was a prior conviction for this offense or conviction from another state that would violate this section, then the person would be guilty of a fourth-degree felony.

**FISCAL IMPLICATIONS**

None.

**SIGNIFICANT ISSUES**

N/A

**PERFORMANCE IMPLICATIONS**

By broadening the language of this section, and with the wide use of electronic devices, the number of crimes prosecuted under this section would most likely increase. The costs associated with such prosecutions would therefore increase.

## **ADMINISTRATIVE IMPLICATIONS**

N/A

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

N/A

## **TECHNICAL ISSUES**

N/A

## **OTHER SUBSTANTIVE ISSUES**

Threatening someone with harm is different from getting someone to harm themselves. This bill prohibits threatening, annoying, communication toward another. This bill does not specifically prohibit getting someone to harm themselves. California has specifically adopted a law prohibiting the encouragement of suicide. Section 401 of the California Penal Code makes it a felony for any person to deliberately aid, advise, or encourage another to commit suicide.

A young woman in Massachusetts named Michelle Carter was convicted of involuntary manslaughter in 2017 for persuading her boyfriend to kill himself in 2014. She encouraged her boyfriend to kill himself through thousands of text messages. Massachusetts did not have a law against encouraging suicide. But Massachusetts had an involuntary manslaughter law that reads differently than New Mexico.

If the intent of the bill includes prohibiting communication that encourages suicide, consider addressing it directly.

## **ALTERNATIVES**

N/A

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

Status quo.

## **AMENDMENTS**

N/A