

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: SB86 Original Correction
 Amendment Substitute

Sponsor: <u>Sen. Crystal Brantley, Rep. Andrea Reeb</u>	Agency Name and Code Number: <u>790 – Department of Public Safety</u>
Short Title: <u>Harassment by Telephone</u>	Person Writing: <u>Matthew Broom, Deputy Chief</u>
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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: Duplicate to 2025 HB58, related to 2025 HB287
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

SB-86 amends New Mexico’s criminal statute on harassment and threats to expand the offense from telephone use to all forms of electronic communication. The bill modernizes existing law to reflect current communication technologies.

Replaces references to “telephone” with “electronic communication, explicitly including:

- Telephone calls
- Text messages
- Social media posts
- Emails and instant messages

Makes it unlawful to use electronic communication to:

- Terrify, intimidate, threaten, harass, annoy, or offend another person
- Use obscene, lewd, or profane language
- Threaten injury or physical harm
- Extort money or something of value
- Repeatedly and anonymously disturb another person’s peace or privacy

Establishes that an offense may be prosecuted in either the location where the electronic communication originated or where it was received.

Retains current penalties:

- A misdemeanor for a first offense
- A fourth-degree felony for repeat offenses or prior similar convictions

Defines “electronic communication” and “social media” within statute to clarify scope and enforcement

FISCAL IMPLICATIONS

No fiscal impact to DPS for SB-86.

SIGNIFICANT ISSUES

No significant issues to DPS for SB-86.

PERFORMANCE IMPLICATIONS

SB 86 updates New Mexico law to reflect how harassment and threats occur today. The bill modernizes the statute by expanding it from telephone calls to include electronic communications such as text messages, social media posts, emails, and instant messages. These changes close loopholes that offenders currently exploit and give law enforcement clear authority to investigate and prosecute harassment that increasingly happens online. By clarifying that offenses may be prosecuted where the communication is sent or received, the bill also improves jurisdictional clarity and enforcement efficiency.

SB 86 enhances victim safety while maintaining appropriate legal safeguards. The bill retains an intent requirement and focuses on obscene language, threats, extortion, and repeated malicious conduct, ensuring that lawful speech is not criminalized. By addressing electronic harassment early, the law helps prevent escalation into stalking or physical violence and strengthens accountability for repeat offenders. By maintaining felony

enhancement for repeat violations, the bill appropriately targets chronic offenders who pose the greatest public safety risk. Overall, the bill is a necessary, balanced update that aligns New Mexico law with modern technology and public safety realities. DPS believes this bill is an important update to our criminal statutes.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS for SB-86.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship exist for DPS with SB-86.

TECHNICAL ISSUES

No technical issues for DPS for SB-86.

OTHER SUBSTANTIVE ISSUES

No substantive issues to DPS for SB-86.

ALTERNATIVES

No alternatives exist for DPS for SB-86.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

No amendments.