

LFC Requester:	Sanchez, Scott
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AGENCY BILL ANALYSIS - 2026 REGULAR 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: 1/26/26 *Check all that apply:*
Bill Number: SB 100 Original Correction
 Amendment Substitute

Sponsor: SB 100 **Agency Name and Code** AOC 218
Short Title: Burglary Definition of Dwelling **Number:** _____
Title: _____ **Person Writing** Kathleen Sabo
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 100 amends statutory sections within the Criminal Code pertaining to burglary, as follows:

- **Sections 30-16-3 and 30-16-4 NMSA 1978** (governing burglary and aggravated burglary, respectively): amends the statute to define “dwelling” to mean a personal space with some sort of enclosure that creates the expectation of privacy in such a manner that a reasonable person would expect protection from an unauthorized intrusion.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

Creating a definition of “dwelling”, as used in Sections 30-16-3 and 30-16-4 NMSA 1978, may serve to allow for more structures to be considered dwellings, capable of being entered without authority and with intent to commit any felony or theft therein. This may result in more judicial resources being used on burglary cases.

SIGNIFICANT ISSUES

1) Section 42-14-2 NMSA 1978, within the Right to Repair Act, defines “dwelling” to mean a newly constructed singly family housing unit designed for residential use. “Dwelling” includes the systems and other components and improvements that are part of a single family housing unit at the time of construction. Section 3-46-43 NMSA 1978, governing ordinances relating to repair, closing and demolition of dwellings unfit for human habitation, complaint, service of complaint, appeal, defines “dwelling” to mean a building or a structure or part thereof use and occupied for human habitation or intended to be so used and includes any appurtenances usually enjoyed in the dwelling.

These two definitions contained in statute demonstrate that there is no single definition of “dwelling” in New Mexico law. There may be a question, however, whether defining “dwelling” to mean a personal space with some sort of enclosure that creates the expectation of privacy in such a manner that a reasonable person would expect protection from an unauthorized intrusion, creates a significant enough distinction between a dwelling such that a burglary can occur there, and a non-dwelling. A perhaps less confusing definition might be “ a building or part of a building, a tent, a mobile home, or another enclosed space that is used or intended for human habitation.” See [Dwelling Law and Legal Definition](#), USLegal.com.

2) Creating a definition of “dwelling”, as used in Sections 30-16-3 and 30-16-4 NMSA 1978, may serve to allow for more structures to be considered dwellings, capable of being entered without authority and with intent to commit any felony or theft therein. This may result in more

judicial resources being used on burglary cases.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS