

LFC Requester:**Scott Sanchez****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:** January 28, 2026*Check all that apply:***Bill Number:** SB 136Original Correction Amendment Substitute **Sponsor:**George K. Munoz and Pete Campos**Agency Name and Code Number:**Regulation and Licensing Department - 420**Short Title:**Unlawful Use of Unmanned Aircraft**Person Writing**Phillip A. Sanchez**Phone:** 505-263-7150**Email** Phillip.Sanchez2@rld.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	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	N/A	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

Synopsis: Senate Bill 136 (SB136) creates the new misdemeanor and felony crimes for “Unlawful Use of an Unmanned Aircraft” and “Unlawful Use of an Unmanned Aircraft Near a Critical Infrastructure Facility”, as well as exceptions to these offenses, within the New Mexico Criminal Code.

- Unlawful Use of an Unmanned Aircraft: Operating an unmanned aircraft to capture an image of a person, privately owned real property, or a critical infrastructure, with the intent to conduct surveillance on the person, property, or facility in the image.
 - Unlawful Use of an Unmanned Aircraft is:
 - A misdemeanor offense, or
 - A fourth degree felony, if the image captured is used in connection with the commission of a felony or of information or records that are confidential or prohibited from public disclosure as provided by law.
- Unlawful Use of an Unmanned Aircraft Near a Critical Infrastructure Facility is:
 - Operating an unmanned aircraft in proximity of a critical infrastructure facility such that:
 - The operation of the unmanned aircraft or the unmanned aircraft itself may or does interfere with the operations of, or cause a disturbance to, the facility; or
 - The unmanned aircraft makes contact with the facility, including any person or object on the premises of or with the facility.
 - Unlawful use of an unmanned aircraft near a critical infrastructure facility is a fourth degree felony.
- SB136 lists the following exceptions to the offenses above:
 - If the person, owner, or operator of the privately owned real property or critical infrastructure facility consents;
 - If the image is captured by a federal, state, local, or tribal agency or person under contract with or otherwise acting under the direction of a federal, state, local, or tribal agency;
 - Conduct for the purpose of, or incidental to a legitimate commercial purpose or by a community-based organization consistent with applicable state or federal law;
 - If the image is captured pursuant to a valid warrant or court order;
 - For professional or scholarly research and development or other academic purposes by a person acting on behalf of a public, private, or independent higher education institution;
 - If the image is captured by a registered professional land surveyor or licensed engineer in connection with their professional practice;
 - If the image is captured by an employee of an insurance company or an affiliate of an insurance company in connection with the underwriting of an insurance policy or rating or adjustment of an insurance claim.
- SB136 defines the following:
 - “Critical infrastructure facility” includes communications networks; electrical generation, transmission or distribution systems; natural gas gathering, processing,

storage, transmission and distribution systems; crude oil and refined product pipelines; water pipelines; state and local confinement facilities; national guard and US department of defense facilities; and municipal and county airports.

- “Image” is the capturing of sound waves, thermal, infrared, ultraviolet, visible light or other electromagnetic waves, odor or other conditions existing on or about the property or an individual on that property.
- “Unmanned aircraft” is an aircraft that is operated, directed or programmed without the possibility of direct human intervention from within or on the aircraft.

FISCAL IMPLICATIONS

The Regulation and Licensing Department does not anticipate any direct fiscal or operational impact to the Department if SB 136 is enacted.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS