

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 100

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CRIME; PROVIDING A DEFINITION OF "STRUCTURE" FOR  
BURGLARY AND AGGRAVATED BURGLARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-16-3 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 16-3, as amended) is amended to read:

"30-16-3. BURGLARY.--

A. Burglary consists of the unauthorized entry of

.233573.1AIC February 5, 2026 (11:40am)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

[~~any~~] a vehicle, a watercraft, an aircraft, a dwelling or other structure, movable or immovable, with the intent to commit any felony or theft [therein] in the vehicle, watercraft, aircraft, dwelling or other structure.

[A-] B. Any person who, without authorization, enters a dwelling [~~house~~] with intent to commit any felony or theft therein is guilty of a third degree felony.

[B-] C. Any person who, without authorization, enters any vehicle, watercraft, aircraft or other structure, movable or immovable, with intent to commit any felony or theft therein is guilty of a fourth degree felony.

D. As used in this section, "structure"

Sfll→~~includes~~←Sfll Sfll→~~means~~←Sfll a protected space enclosed to the degree that it is capable of confining people or property and creates the expectation of privacy against an unauthorized intrusion. The boundaries of a structure may extend to a partially enclosed construction attached to and constituting an extension of a dwelling, in a location that creates the expectation of privacy and in such a manner that a reasonable person would expect protection from an unauthorized intrusion."

SECTION 2. Section 30-16-4 NMSA 1978 (being Laws 1963, Chapter 303, Section 16-4) is amended to read:

"30-16-4. AGGRAVATED BURGLARY.--

A. Aggravated burglary consists of the unauthorized

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entry of ~~[any]~~ a vehicle, a watercraft, an aircraft, a dwelling or other structure, movable or immovable, with intent to commit ~~[any]~~ a felony or theft ~~[therein]~~ in the vehicle, watercraft, aircraft, dwelling or other structure and the person either:

[A.] (1) is armed with a deadly weapon;

[B.] (2) after entering, ~~[arms himself]~~ is armed with a deadly weapon; or

[C.] (3) commits a battery upon ~~[any]~~ a person while in ~~[such]~~ the place or in entering or leaving ~~[such]~~ the place.

B. Whoever commits aggravated burglary is guilty of a second degree felony.

C. As used in this section, "structure"

Sf11→~~includes~~←Sf11 Sf11→~~means~~←Sf11 a protected space enclosed to the degree that it is capable of confining people or property and creates the expectation of privacy against an unauthorized intrusion. The boundaries of a structure may extend to a partially enclosed construction attached to and constituting an extension of a dwelling, in a location that creates the expectation of privacy and in such a manner that a reasonable person would expect protection from an unauthorized intrusion."

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