

SENATE BILL 100

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

INTRODUCED BY

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AN ACT

RELATING TO CRIME; PROVIDING A DEFINITION OF "DWELLING" 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  
[~~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.

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

5           D. As used in this section, "dwelling" means a  
6 personal space with some sort of enclosure that creates the  
7 expectation of privacy in such a manner that a reasonable  
8 person would expect protection from an unauthorized intrusion."

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

11           "30-16-4. AGGRAVATED BURGLARY.--

12           A. Aggravated burglary consists of the unauthorized  
13 entry of ~~[any]~~ a vehicle, a watercraft, an aircraft, a dwelling  
14 or other structure, movable or immovable, with intent to commit  
15 ~~[any]~~ a felony or theft ~~[therein]~~ in the vehicle, watercraft,  
16 aircraft, dwelling or other structure and the person either:

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

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

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

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

25           C. As used in this section, "dwelling" means a

1 personal space with some sort of enclosure that creates the  
2 expectation of privacy in such a manner that a reasonable  
3 person would expect protection from an unauthorized intrusion."

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