

1 SENATE BILL 100

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Cindy Nava and Linda M. Trujillo

10 AN ACT

11 RELATING TO CRIME; PROVIDING A DEFINITION OF "DWELLING" FOR
12 BURGLARY AND AGGRAVATED BURGLARY.

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

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

17 "30-16-3. BURGLARY.--

18 A. Burglary consists of the unauthorized entry of
19 [any] a vehicle, a watercraft, an aircraft, a dwelling or other
20 structure, movable or immovable, with the intent to commit any
21 felony or theft [therein] in the vehicle, watercraft, aircraft,
22 dwelling or other structure.

23 [A.] B. Any person who, without authorization,
24 enters a dwelling [house] with intent to commit any felony or
25 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

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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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