

1 SENATE BILL 102

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

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO CRIME; PROVIDING A DEFINITION FOR "SEARCH-AND-  
12 RESCUE DOG"; INCREASING THE PENALTIES FOR THE INJURY TO OR  
13 HARASSMENT OF A POLICE DOG, POLICE HORSE, FIRE DOG OR SEARCH-  
14 AND-RESCUE DOG.

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

17 **SECTION 1.** Section 30-18-13 NMSA 1978 (being Laws 1999,  
18 Chapter 107, Section 5) is amended to read:

19 "30-18-13. INJURY TO A POLICE DOG, POLICE HORSE, [OR]  
20 FIRE DOG OR SEARCH-AND-RESCUE DOG--HARASSMENT OF A POLICE DOG,  
21 POLICE HORSE, [OR] FIRE DOG OR SEARCH-AND-RESCUE DOG--

22 A. As used in this section:

23 (1) "fire dog" means a dog used by a fire  
24 department, a special fire district or the state fire marshal  
25 for the primary purpose of aiding in the detection of flammable

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1 materials or the investigation of fires;

2 (2) "police dog" means a dog used by a law  
3 enforcement or corrections agency that is specially trained for  
4 law enforcement or corrections work in the areas of tracking,  
5 suspect apprehension, crowd control or drug or explosives  
6 detection; [and]

7 (3) "police horse" means a horse that is used  
8 by a law enforcement or corrections agency for law enforcement  
9 or corrections work; and

10 (4) "search-and-rescue dog" means a dog that  
11 is owned, or the service of which is employed, by a fire  
12 department, a law enforcement agency, a corrections agency, a  
13 special fire district or the state fire marshal for the purpose  
14 of aiding in detection or location of a person.

15 B. Injury to a police dog, police horse, [or] fire  
16 dog or search-and-rescue dog consists of willfully and with  
17 intent to injure or prevent the lawful performance of its  
18 official duties:

19 (1) striking, beating, kicking, cutting,  
20 stabbing, shooting or administering poison or any other harmful  
21 substance to a police dog, police horse, [or] fire dog or  
22 search-and-rescue dog; or

23 (2) throwing or placing an object or substance  
24 in a manner that is likely to produce injury to a police dog,  
25 police horse, [or] fire dog or search-and-rescue dog.

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1                   C. Whoever commits injury to a police dog, police  
2 horse, [or] fire dog or search-and-rescue dog when the injury  
3 causes the animal minor physical injury or pain is guilty of a  
4 [petty misdemeanor] third degree felony and shall be sentenced  
5 pursuant to the provisions of Section [31-19-1] 31-18-15 NMSA  
6 1978.

7                   D. Whoever commits injury to a police dog, police  
8 horse, [or] fire dog or search-and-rescue dog when the injury  
9 causes the animal serious physical injury or death or directly  
10 causes the destruction of the animal is guilty of a [fourth]  
11 second degree felony and shall be sentenced pursuant to the  
12 provisions of Section 31-18-15 NMSA 1978.

13                  E. A person convicted of injury to a police dog,  
14 police horse, [or] fire dog or search-and-rescue dog may be  
15 ordered to make restitution for the animal's veterinary bills  
16 or replacement costs of the animal if it is permanently  
17 disabled, killed or destroyed.

18                  F. Harassment of a police dog, police horse, [or]  
19 fire dog or search-and-rescue dog consists of a person  
20 willfully and maliciously interfering with or obstructing a  
21 police dog, police horse, [or] fire dog or search-and-rescue  
22 dog by frightening, agitating, harassing or hindering the  
23 animal.

24                  G. Whoever commits harassment of a police dog,  
25 police horse, [or] fire dog or search-and-rescue dog is guilty

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1 of a misdemeanor and shall be sentenced pursuant to the  
2 provisions of Section 31-19-1 NMSA 1978.

3                   H. Whoever commits harassment of a police dog,  
4 police horse, [or] fire dog or search-and-rescue dog that  
5 results in bodily injury to a person not an accomplice to the  
6 criminal offense is guilty of a misdemeanor and shall be  
7 sentenced pursuant to the provisions of Section 31-19-1 NMSA  
8 1978.

9                   I. It is an affirmative defense to a prosecution  
10 brought pursuant to the provisions of this section that a  
11 police dog, police horse, [or] fire dog or search-and-rescue  
12 dog was not handled in accordance with well-recognized national  
13 handling procedures or was handled in a manner contrary to its  
14 own department's handling policies and procedures."

15                  SECTION 2. Section 31-18-15 NMSA 1978 (being Laws 1977,  
16 Chapter 216, Section 4, as amended) is amended to read:

17                  "31-18-15. SENTENCING AUTHORITY--NONCAPITAL FELONIES--  
18 BASIC SENTENCES AND FINES--PAROLE AUTHORITY--MERITORIOUS  
19 DEDUCTIONS.--

20                  A. As used in a statute that establishes a  
21 noncapital felony, the following defined felony classifications  
22 and associated basic sentences of imprisonment are as follows:

FELONY CLASSIFICATION	BASIC SENTENCE
first degree felony	
resulting in the death	

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1	of a child	life imprisonment
2	first degree felony for	
3	aggravated criminal sexual	
4	penetration	life imprisonment
5	first degree felony	eighteen years imprisonment
6	second degree felony	
7	resulting in the death of	
8	a human being	eighteen years imprisonment
9	second degree felony for a	
10	sexual offense against a	
11	child	fifteen years imprisonment
12	<u>second degree felony when</u>	
13	<u>the injury causes a police</u>	
14	<u>dog, police horse, fire dog</u>	
15	<u>or search-and-rescue dog</u>	
16	<u>serious physical injury</u>	
17	<u>or death or directly causes</u>	
18	<u>the destruction of a police</u>	
19	<u>dog, police horse, fire dog</u>	
20	<u>or search-and-rescue dog</u>	<u>fifteen years imprisonment</u>
21	second degree felony for	
22	sexual exploitation of	
23	children	twelve years imprisonment
24	second degree felony	nine years imprisonment
25	third degree felony resulting	

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1       in the death of a human being       six years imprisonment  
2       third degree felony for a  
3       sexual offense against a  
4       child                                 six years imprisonment  
5       third degree felony for sexual  
6       exploitation of children         eleven years imprisonment  
7       third degree felony when  
8       the injury causes a police dog,  
9       police horse, fire dog or  
10      search-and-rescue dog  
11      minor physical injury or pain    five years imprisonment  
12      third degree felony                 three years imprisonment  
13      fourth degree felony for  
14      sexual exploitation of  
15      children                               ten years imprisonment  
16      fourth degree felony                 eighteen months imprisonment.

17   B. The appropriate basic sentence of imprisonment  
18       shall be imposed upon a person convicted and sentenced pursuant  
19       to Subsection A of this section, unless the court alters the  
20       sentence pursuant to the provisions of the Criminal Sentencing  
21       Act.

22   C. A period of parole shall be imposed only for  
23       felony convictions wherein a person is sentenced to  
24       imprisonment of more than one year, unless the parties to a  
25       proceeding agree that a period of parole should be imposed. If

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1 a period of parole is imposed, the court shall include in the  
2 judgment and sentence of each person convicted and sentenced to  
3 imprisonment in a corrections facility designated by the  
4 corrections department authority for a period of parole to be  
5 served in accordance with the provisions of Section 31-21-10  
6 NMSA 1978. If imposed, the period of parole shall be deemed to  
7 be part of the sentence of the convicted person in addition to  
8 the basic sentence imposed pursuant to Subsection A of this  
9 section together with alterations, if any, pursuant to the  
10 provisions of the Criminal Sentencing Act.

11 D. When a court imposes a sentence of imprisonment  
12 pursuant to the provisions of Section 31-18-15.1, 31-18-16 or  
13 31-18-17 NMSA 1978 and suspends or defers the basic sentence of  
14 imprisonment provided pursuant to the provisions of Subsection  
15 A of this section, the period of parole shall be served in  
16 accordance with the provisions of Section 31-21-10 NMSA 1978  
17 for the degree of felony for the basic sentence for which the  
18 inmate was convicted. For the purpose of designating a period  
19 of parole, a court shall not consider that the basic sentence  
20 of imprisonment was suspended or deferred and that the inmate  
21 served a period of imprisonment pursuant to the provisions of  
22 the Criminal Sentencing Act.

23 E. The court may, in addition to the imposition  
24 of a basic sentence of imprisonment, impose a fine not to  
25 exceed:

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(1) for a first degree felony resulting in the death of a child, seventeen thousand five hundred dollars (\$17,500);

(2) for a first degree felony for aggravated criminal sexual penetration, seventeen thousand five hundred dollars (\$17,500);

(3) for a first degree felony, fifteen thousand dollars (\$15,000);

(4) for a second degree felony resulting in the death of a human being, twelve thousand five hundred dollars (\$12,500);

(5) for a second degree felony for a sexual offense against a child, twelve thousand five hundred dollars (\$12,500);

(6) for a second degree felony for sexual exploitation of children, five thousand dollars (\$5,000);

(7) for a second degree felony, ten thousand dollars (\$10,000);

(8) for a second degree felony when the injury causes a police dog, police horse, fire dog or search-and-rescue dog serious physical injury or death or directly causes the destruction of a police dog, police horse, fire dog or search-and-rescue dog, ten thousand dollars (\$10,000):

[~~(8)~~] (9) for a third degree felony resulting in the death of a human being, five thousand dollars (\$5,000);

[~~(9)~~] (10) for a third degree felony for a sexual offense against a child, five thousand dollars (\$5,000);

[~~10~~] 11 for a third degree felony for sexual exploitation of children, five thousand dollars (\$5,000);

[+11] (12) for a third or fourth degree  
felony, five thousand dollars (\$5,000); [or]

(13) for a third degree felony when the injury causes a police dog, police horse, fire dog or search-and-rescue dog minor physical injury or pain, five thousand dollars (\$5,000); or

[~~12~~] 14 for a fourth degree felony for sexual exploitation of children, five thousand dollars (\$5,000).

F. When the court imposes a sentence of imprisonment for a felony offense, the court shall indicate whether or not the offense is a serious violent offense as defined in Section 33-2-34 NMSA 1978. The court shall inform an offender that the offender's sentence of imprisonment is subject to the provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38 NMSA 1978. If the court fails to inform an offender that the offender's sentence is subject to those provisions or if the court provides the offender with erroneous information regarding those provisions, the failure to inform or the error shall not provide a basis for a writ of habeas

1       corpus.

2                   G. No later than October 31 of each year, the New  
3 Mexico sentencing commission shall provide a written report to  
4 the secretary of corrections, all New Mexico criminal court  
5 judges, the administrative office of the district attorneys and  
6 the chief public defender. The report shall specify the  
7 average reduction in the sentence of imprisonment for serious  
8 violent offenses and nonviolent offenses, as defined in Section  
9 33-2-34 NMSA 1978, due to meritorious deductions earned by  
10 prisoners during the previous fiscal year pursuant to the  
11 provisions of Sections 33-2-34, 33-2-36, 33-2-37 and 33-2-38  
12 NMSA 1978. The corrections department shall allow the  
13 commission access to documents used by the department to  
14 determine earned meritorious deductions for prisoners."

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