

underscored material = new  
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SENATE BILL 136

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

INTRODUCED BY

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AN ACT

RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL USE OF AN  
UNMANNED AIRCRAFT; CREATING THE CRIME OF UNLAWFUL USE OF AN  
UNMANNED AIRCRAFT NEAR A CRITICAL INFRASTRUCTURE FACILITY;  
PROVIDING EXCEPTIONS; PROVIDING PENALTIES.

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

SECTION 1. A new section of the Criminal Code is enacted  
to read:

"[NEW MATERIAL] UNLAWFUL USE OF AN UNMANNED AIRCRAFT--  
UNLAWFUL USE OF AN UNMANNED AIRCRAFT NEAR A CRITICAL  
INFRASTRUCTURE FACILITY--EXCEPTIONS--PENALTIES.--

A. Unlawful use of an unmanned aircraft consists of  
operating an unmanned aircraft to capture an image of a person,  
privately owned real property or a critical infrastructure  
facility with the intent to conduct surveillance on the person,

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1 property or facility captured in the image. Whoever commits  
2 unlawful use of an unmanned aircraft is:

3 (1) guilty of a misdemeanor; or  
4 (2) guilty of a fourth degree felony if the  
5 image captured is:

6 (a) used in connection with the  
7 commission of a felony; or

8 (b) of information or records that are  
9 confidential or prohibited from public disclosure as provided  
10 by law.

11 B. Unlawful use of an unmanned aircraft near a  
12 critical infrastructure facility consists of operating an  
13 unmanned aircraft in proximity of a critical infrastructure  
14 facility such that:

15 (1) the operation of the unmanned aircraft or  
16 the aircraft itself may or does interfere with the operations  
17 of, or cause a disturbance to, the critical infrastructure  
18 facility; or

19 (2) the unmanned aircraft makes contact with  
20 the critical infrastructure facility, including any person or  
21 object on the premises of or within the critical infrastructure  
22 facility.

23 C. Whoever commits unlawful use of an unmanned  
24 aircraft near a critical infrastructure facility is guilty of a  
25 fourth degree felony.

1 D. The provisions of this section do not apply:

2 (1) if the image is captured with the consent  
3 of the person or the owner or operator of the privately owned  
4 real property or critical infrastructure facility captured in  
5 the image;

6 (2) if the image is captured by a federal,  
7 state, local or tribal agency or a person under contract with  
8 or otherwise acting under the direction of a federal, state,  
9 local or tribal agency;

10 (3) for the purpose of, or incidental to, a  
11 legitimate commercial purpose or by a community-based  
12 organization, including a homeowner's association, in a manner  
13 consistent with applicable state or federal law, including  
14 federal aviation administration rules, exceptions or other  
15 authorizations;

16 (4) if the image is captured pursuant to a  
17 valid search warrant, arrest warrant or court order;

18 (5) for the purpose of professional or  
19 scholarly research and development or for another academic  
20 purpose by a person acting on behalf of a public, a private or  
21 an independent institution of higher education;

22 (6) if the image is captured by a registered  
23 professional land surveyor in connection with the practice of  
24 professional surveying or by a professional licensed engineer  
25 in connection with the practice of engineering; provided that

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1 no person is identifiable in the image; or

2 (7) if the image is captured by an employee of  
3 an insurance company or of an affiliate of an insurance company  
4 in connection with the underwriting of an insurance policy or  
5 the rating or adjusting of an insurance claim regarding real  
6 property or a structure on real property.

7 E. As used in this section:

8 (1) "critical infrastructure facility" means  
9 property, equipment and related support facilities that service  
10 multiple customers or residents, including real and personal  
11 property, such as buildings, offices, lines, poles, pipes,  
12 structures and equipment, that is owned or used by:

13 (a) a communications network;

14 (b) an electric generation, transmission  
15 or distribution system;

16 (c) a natural gas and natural gas  
17 liquids gathering, processing, storage, transmission and  
18 distribution system;

19 (d) a crude oil and refined product  
20 pipeline;

21 (e) a water pipeline;

22 (f) a county or the corrections  
23 department for the confinement of inmates or by the children,  
24 youth and families department for the detention or commitment  
25 of children;

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1 (g) the national guard of New Mexico or  
2 the United States department of defense; or

3 (h) a municipality or county as an  
4 airport as defined in Section 3-39-17 NMSA 1978;

5 (2) "image" means any capturing of sound  
6 waves, thermal, infrared, ultraviolet, visible light or other  
7 electromagnetic waves, odor or other conditions existing on or  
8 about real property or an individual located on that property;  
9 and

10 (3) "unmanned aircraft" means an aircraft that  
11 is operated, directed or programmed without the possibility of  
12 direct human intervention from within or on the aircraft."

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