

SENATE FLOOR SUBSTITUTE FOR  
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 100

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

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  
[~~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, "structure" means a  
6 protected space, movable or immovable, that is enclosed to the  
7 degree that it is capable of confining people or property and  
8 creates the expectation of privacy against an unauthorized  
9 intrusion. The boundaries of a dwelling may extend to a  
10 partially enclosed construction attached to and constituting an  
11 extension of a dwelling, if the partial enclosure is in a  
12 location that creates an expectation of privacy akin to a fully  
13 enclosed structure and in such a manner that a reasonable  
14 person would expect protection from an unauthorized intrusion."

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

17           "30-16-4. AGGRAVATED BURGLARY.--

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

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

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

1                   [~~6.~~] (3) commits a battery upon ~~[any]~~ a person  
2 while in ~~[such]~~ the place or in entering or leaving ~~[such]~~ the  
3 place.

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

6                   C. As used in this section, "structure" means a  
7 protected space, movable or immovable, that is enclosed to the  
8 degree that it is capable of confining people or property and  
9 creates the expectation of privacy against an unauthorized  
10 intrusion. The boundaries of a dwelling may extend to a  
11 partially enclosed construction attached to and constituting an  
12 extension of a dwelling, if the partial enclosure is in a  
13 location that creates an expectation of privacy akin to a fully  
14 enclosed structure and in such a manner that a reasonable  
15 person would expect protection from an unauthorized intrusion."

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