

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 100

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

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CRIME; PROVIDING A DEFINITION OF

HJC→"~~STRUCTURE~~"←HJC HJC→"EXTENSION OF A DWELLING"←HJC 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.--

.233573.1AIC February 17, 2026 (9:40pm)

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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.

[B-] C. Any person who, without authorization, enters any vehicle, watercraft, aircraft HJC→, extension of a dwelling←HJC or other structure, movable or immovable, with intent to commit any felony or theft therein is guilty of a fourth degree felony.

D. As used in this section, HJC→"structure"
HJC→Sfll→includes←Sfll Sfll→means←Sfll←HJC HJC→includes←HJC
a protected space enclosed to the degree that it is capable of confining people or property and creates the expectation of privacy against an unauthorized intrusion. The boundaries of a structure may extend to a partially enclosed construction attached to and constituting an extension of a dwelling, in a location that creates the expectation of privacy and in such a manner that a reasonable person would expect protection from an unauthorized intrusion.←HJC HJC→"extension of a dwelling":

(1) means an outdoor space that is:

(a) physically attached to or

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immediately adjoining the dwelling;

(b) enclosed by walls, fencing or other substantial barriers that restrict access; and

(c) intended for and used as private living space by the dwelling's occupant; and

(2) does not include:

(a) any area readily visible from a public way, street or sidewalk;

(b) any area customarily open to visitors, delivery persons or other members of the public in the ordinary course of business or social interaction, including front porches and pathways leading to primary entrances;

(c) open yards, fields, driveways or other unenclosed areas; or

(d) any area where the configuration, lack of barriers or customary use would not support a reasonable expectation of privacy from unauthorized entry."←HJC

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

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

A. Aggravated burglary consists of the unauthorized entry of [~~any~~] a vehicle, a watercraft, an aircraft, a dwelling HJC→, an extension of a dwelling←HJC or other structure,

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movable or immovable, with intent to commit [any] a felony or theft [therein] in the vehicle, watercraft, aircraft, dwelling HJC→, extension of a dwelling←HJC or other structure and the person either:

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

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

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

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

C. As used in this section, HJC→"structure"

~~HJC→Sfll→includes←Sfll Sfll→means←Sfll←HJC HJC→includes←HJC a protected space enclosed to the degree that it is capable of confining people or property and creates the expectation of privacy against an unauthorized intrusion. The boundaries of a structure may extend to a partially enclosed construction attached to and constituting an extension of a dwelling, in a location that creates the expectation of privacy and in such a manner that a reasonable person would expect protection from an unauthorized intrusion.~~←HJC HJC→"extension of a dwelling":

(1) means an outdoor space that is:

(a) physically attached to or immediately adjoining the dwelling;

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(b) enclosed by walls, fencing or other substantial barriers that restrict access; and

(c) intended for and used as private living space by the dwelling's occupant; and

(2) does not include:

(a) any area readily visible from a public way, street or sidewalk;

(b) any area customarily open to visitors, delivery persons or other members of the public in the ordinary course of business or social interaction, including front porches and pathways leading to primary entrances;

(c) open yards, fields, driveways or other unenclosed areas; or

(d) any area where the configuration, lack of barriers or customary use would not support a reasonable expectation of privacy from unauthorized entry."←HJC

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