

HOUSE BILL 46

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

INTRODUCED BY

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AN ACT

RELATING TO CRIME; AMENDING AND ENACTING SECTIONS OF THE
COMPUTER CRIMES ACT; CREATING THE CRIME OF DIGITAL SABOTAGE OF
A BUSINESS; PROVIDING PENALTIES.

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

SECTION 1. Section 30-45-2 NMSA 1978 (being Laws 1989, Chapter 215, Section 2) is amended to read:

"30-45-2. DEFINITIONS.--As used in the Computer Crimes Act:

A. "access" means to program, execute programs on, intercept, instruct, communicate with, store data in, retrieve data from or otherwise make use of any computer resources, including data or programs of a computer, computer system, computer network or database;

B. "computer" includes an electronic, magnetic,

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1 optical or other high-speed data processing device or system
2 performing logical, arithmetic or storage functions and
3 includes any property, data storage facility or communications
4 facility directly related to or operating in conjunction with
5 such device or system. The term does not include an automated
6 typewriter or typesetter or a single display machine in and of
7 itself, designed and used solely within itself for word
8 processing, or a portable hand-held calculator or any other
9 device [which] that might contain components similar to those
10 in computers but in which the components have the sole function
11 of controlling the device for the single purpose for which the
12 device is intended;

13 C. "computer network" means the interconnection of
14 communication lines and circuits with a computer or a complex
15 consisting of two or more interconnected computers;

16 D. "computer program" means a series of
17 instructions or statements, in a form acceptable to a computer,
18 [which] that permits the functioning of a computer system in a
19 manner designed to provide appropriate products from a computer
20 system;

21 E. "computer property" includes [a] financial
22 [instrument] instruments, data, databases, computer software,
23 computer programs, domain name systems, documents associated
24 with computer systems and computer programs, or copies, whether
25 tangible or intangible, and data while in transit;

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1 F. "computer service" includes computer time; the
2 use of the computer system, computer network, computer programs
3 or data prepared for computer use; data contained within a
4 computer network; and data processing and other functions
5 performed, in whole or in part, by the use of computers,
6 computer systems, computer networks or computer software;

7 G. "computer software" means a set of computer
8 programs, procedures and associated documentation concerned
9 with the operation and function of a computer system;

10 H. "computer system" means a set of related or
11 interconnected computer equipment, devices and software;

12 I. "data" means a representation of information,
13 knowledge, facts, concepts or instructions [which] that are
14 prepared and are intended for use in a computer, computer
15 system or computer network;

16 J. "database" means any data or other information
17 classified, processed, transmitted, received, retrieved,
18 originated, switched, stored, manifested, measured, detected,
19 recorded, reproduced, handled or utilized by a computer,
20 computer system, computer network or computer software; [and]

21 K. "digital resource" means a computer, computer
22 system, computer network, domain name system or software
23 application;

24 L. "domain name system" means a software system
25 that converts a human language-based location name on a

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1 computer network into a numerical designation in accordance
2 with the protocol used by the internet and other computer
3 networks and allows:

4 (1) a business to establish a human language-
5 based term to name the business's location on the internet or
6 other network that uses the internet protocol; and
7 (2) potential customers to search that network
8 using human language-based terms to find the business's
9 location and then to transmit data sets between the business
10 and the potential customer; and

11 [K-] M. "financial instrument" includes any check,
12 draft, warrant, money order, note, certificate of deposit,
13 letter of credit, bill of exchange, credit or debit card,
14 transaction, authorization mechanism, marketable security or
15 any other computerized representation thereof."

16 SECTION 2. A new section of the Computer Crimes Act,
17 Section 30-45-3.1 NMSA 1978, is enacted to read:

18 "30-45-3.1. [NEW MATERIAL] DIGITAL SABOTAGE OF A
19 BUSINESS--PENALTIES.--

20 A. Digital sabotage of a business consists of a
21 person knowingly and willfully and without authorization of a
22 business using or modifying a digital resource that is used by
23 that business to:

24 (1) direct a person searching for that
25 business on an internet protocol network to a different network

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1 location;

2 (2) damage the functioning of a digital

3 resource or the operations of the business; or

4 (3) damage the reputation of the business by
5 providing false or misleading information.

6 B. A person who commits digital sabotage of a
7 business is guilty of:

8 (1) a petty misdemeanor when the damage caused
9 by the digital sabotage is two hundred fifty dollars (\$250) or
10 less;

11 (2) a misdemeanor when the damage caused by
12 the digital sabotage is in an amount greater than two hundred
13 fifty dollars (\$250) but not greater than five hundred dollars
14 (\$500);

15 (3) a fourth degree felony when the damage
16 caused by the digital sabotage is in an amount greater than
17 five hundred dollars (\$500) but not greater than two thousand
18 five hundred dollars (\$2,500);

19 (4) a fourth degree felony when the damage
20 caused by the digital sabotage is not greater than five hundred
21 dollars (\$500) if within the previous ten years the person has
22 incurred two prior convictions pursuant to Paragraph (1) or (2)
23 of this subsection;

24 (5) a third degree felony when the damage
25 caused by the digital sabotage is in an amount greater than two

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1 thousand five hundred dollars (\$2,500) but not greater than
2 twenty thousand dollars (\$20,000); and

3 (6) a second degree felony when the damage
4 caused by the digital sabotage is in an amount greater than
5 twenty thousand dollars (\$20,000).

6 C. A person who commits three or more separate
7 offenses of digital sabotage of a business that each cause
8 damage of five hundred dollars (\$500) or less within a ten-year
9 period is guilty of a fourth degree felony.

10 D. For the purposes of this section, "business"
11 includes a corporation, a partnership, an individual, a joint
12 venture, an association or other private legal entity."

13 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
14 provisions of this act is July 1, 2026.

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