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SENATE BILL 100

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

INTRODUCED BY

Cindy Nava and Linda M. Trujillo and Andrea Romero

AN ACT

RELATING TO CRIME; PROVIDING A DEFINITION OF "DWELLING" 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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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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, "dwelling" means a
6 personal space with some sort of enclosure that creates the
7 expectation of privacy in such a manner that a reasonable
8 person would expect protection from an unauthorized intrusion."

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

11 "30-16-4. AGGRAVATED BURGLARY.--

12 A. Aggravated burglary consists of the unauthorized
13 entry of ~~[any]~~ a vehicle, a watercraft, an aircraft, a dwelling
14 or other structure, movable or immovable, with intent to commit
15 ~~[any]~~ a felony or theft ~~[therein]~~ in the vehicle, watercraft,
16 aircraft, dwelling or other structure and the person either:

- 17 ~~[A-]~~ (1) is armed with a deadly weapon;
18 ~~[B-]~~ (2) after entering, ~~[arms himself]~~ is
19 armed with a deadly weapon; or
20 ~~[C-]~~ (3) commits a battery upon ~~[any]~~ a person
21 while in ~~[such]~~ the place or in entering or leaving ~~[such]~~ the
22 place.

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

25 C. As used in this section, "dwelling" means a

underscoring material = new
[bracketed material] = delete

1 personal space with some sort of enclosure that creates the
2 expectation of privacy in such a manner that a reasonable
3 person would expect protection from an unauthorized intrusion."

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