

1 SENATE BILL 136

2 57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

3 INTRODUCED BY

4 George K. Muñoz and Pete Campos and Cindy Nava

5
6
7
8
9
10 AN ACT

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

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

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

.233175.2

underscored material = new
[bracketed material] = delete

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.

.233175.2

- 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

.233175.2

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;

.233175.2

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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