

HOUSE BILL 332

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Catherine J. Cullen and Rod Montoya and Jonathan A. Henry

AN ACT

RELATING TO CRIMINAL OFFENSES; CRIMINALIZING UNLAWFUL  
SQUATTING; PROVIDING PENALTIES; PROVIDING FOR A PROPERTY OWNER  
TO RECEIVE DAMAGES FOR INJURY TO PROPERTY OCCURRING IN THE  
COURSE OF ANOTHER'S UNLAWFUL SQUATTING; PROVIDING A PROCESS FOR  
REMOVING AN ALLEGED UNLAWFUL SQUATTER; ALLOWING AN ALLEGED  
UNLAWFUL SQUATTER THE OPPORTUNITY TO CONTEST A CITATION FOR  
UNLAWFUL SQUATTING; REQUIRING A TRIAL TO DETERMINE PROPERTY  
RIGHTS WHERE A PURPORTED PROPERTY OWNER AND AN ALLEGED SQUATTER  
CLAIM A RIGHT TO THE SAME REAL PROPERTY; PROVIDING FOR DAMAGES.

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

SECTION 1. A new section of Chapter 30, Article 14 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] UNLAWFUL SQUATTING.--

A. A person who enters upon the real property of

.230351.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 another and resides on such real property for any period of  
2 time without the knowledge or consent of the property owner,  
3 rightful occupant or authorized representative of the property  
4 owner is guilty of the offense of unlawful squatting.

5 B. Any person who commits unlawful squatting is  
6 guilty of a fourth degree felony."

7 SECTION 2. Section 30-14-1.1 NMSA 1978 (being Laws 1979,  
8 Chapter 186, Section 2, as amended) is amended to read:

9 "30-14-1.1. TYPES OF TRESPASS--INJURY TO REALTY--CIVIL  
10 DAMAGES--CIVIL DAMAGES FOR UNLAWFUL SQUATTING--

11 A. Any person who enters and remains on the lands  
12 of another after having been requested to leave is guilty of a  
13 misdemeanor.

14 B. Any person who enters upon the lands of another  
15 when such lands are posted against trespass at every roadway or  
16 apparent way of access is guilty of a misdemeanor.

17 C. Any person who drives a vehicle upon the lands  
18 of another except through a roadway or other apparent way of  
19 access, when such lands are fenced in any manner, is guilty of  
20 a misdemeanor.

21 D. In the event any person enters upon the lands of  
22 another without prior permission and injures, damages or  
23 destroys any part of the realty or its improvements, including  
24 buildings, structures, trees, shrubs or other natural features,  
25 [he] that person shall be liable to the owner, lessee or person

.230351.1

underscored material = new  
[bracketed material] = delete

1 in lawful possession for damages in an amount equal to double  
2 the amount of the appraised value of the damage of the property  
3 injured or destroyed.

4 E. A person who commits the offense of unlawful  
5 squatting and injures, damages or destroys any part of the  
6 realty or its improvements, including buildings, structures,  
7 trees, shrubs or other natural features, shall be liable to the  
8 property owner, rightful occupant or authorized representative  
9 of the property owner for damages in an amount equal to two  
10 times the amount of the appraised value of the damage of the  
11 property injured or destroyed."

12 SECTION 3. A new section of Chapter 31 NMSA 1978 is  
13 enacted to read:

14 "[NEW MATERIAL] UNLAWFUL SQUATTER--CITATION--CONTESTING A  
15 CITATION.--

16 A. A person who commits or is accused of committing  
17 the offense of unlawful squatting as provided for in Section 1  
18 of this 2025 act shall receive a citation advising that the  
19 person may present documentation that authorizes the person's  
20 entry on such land or premises to the head of the issuing law  
21 enforcement agency or the head's designee within three business  
22 days of receiving a citation for unlawful squatting. If the  
23 person is unable to provide the documentation required pursuant  
24 to this section, that person shall be subject to arrest for  
25 unlawful squatting pursuant to Section 1 of this 2025 act.

.230351.1

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

1           B. Documentation provided pursuant to Subsection A  
2 of this section may include a validly executed lease or rental  
3 agreement, proof of rental payments or a deed of real property  
4 in the name of the person accused of unlawfully squatting on  
5 the real property at issue.

6           C. Nothing in this section shall be construed to  
7 prohibit a property owner, rightful occupant or authorized  
8 representative of the owner from shutting off utilities."

9           SECTION 4. A new section of Chapter 42 NMSA 1978 is  
10 enacted to read:

11           "[NEW MATERIAL] REMOVAL OF AN UNLAWFUL SQUATTER FROM  
12 POSSESSION OF REAL PROPERTY--AFFIDAVIT--OPPORTUNITY TO PRESENT  
13 A COUNTER AFFIDAVIT--TRIAL--DAMAGES.--

14           A. When a person, the person's agent or the  
15 person's attorney presents an affidavit in writing before an  
16 officer authorized to administer an oath setting forth that the  
17 person claims in good faith the right of possession to real  
18 property and that such real property is in the hands of another  
19 person who is allegedly unlawfully squatting, the law  
20 enforcement officer in the county where the real property is  
21 located, upon receipt of the affidavit, shall present the  
22 affidavit to the person alleged to be unlawfully squatting on  
23 the real property at least three days prior to turning that  
24 person out of possession, unless the person in possession  
25 tenders to the law enforcement officer a counter affidavit

.230351.1

1 stating that the person claims, in good faith, a legal right to  
2 possession of the real property. The law enforcement officer  
3 shall turn the alleged unlawful squatter out of possession once  
4 three days have elapsed from the day the affidavit was  
5 exhibited.

6 B. If the person in possession of the real property  
7 at issue submits a counter affidavit pursuant to Subsection A  
8 of this section, a law enforcement officer shall not turn that  
9 person out of possession of the real property but shall leave  
10 both parties in their respective positions. In such an event,  
11 the law enforcement officer shall return both affidavits to the  
12 office of the clerk of the district court in which the real  
13 property at issue is located for a nonjury trial pursuant to  
14 the laws of this state.

15 C. If the party in possession submits a counter  
16 affidavit or other documentation at trial, upon the  
17 determination of the district court that the affidavit is not  
18 meritorious based on the preponderance of the evidence, a law  
19 enforcement officer shall turn the person out of possession as  
20 soon as practicable pursuant to a writ of possession.

21 D. The court may award the plaintiff the fair  
22 market value of rent for the duration of the unlawful  
23 squatter's occupancy and other monetary relief found  
24 appropriate by the court. A party shall have the right to  
25 appeal the decision of the court, and such a decision shall be

1 directly appealable but shall not be subject to de novo review  
2 by the New Mexico supreme court.

3 E. If the court finds a verdict for the plaintiff,  
4 the clerk of the court shall issue a writ of possession  
5 pursuant to Section 42-4-12 NMSA 1978 and shall award the costs  
6 of the proceeding and any other monetary relief awarded by the  
7 court. The plaintiff and the court shall be authorized to  
8 present the final order to law enforcement for investigation or  
9 prosecution."

10 - 6 -  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25