

LFC Requester:	Sanchez, Scott
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/29/25 *Check all that apply:*
Bill Number: SB 153 Original Correction
 Amendment Substitute

Sponsor: Sen. Antonio Maestas **Agency Name and Code:** AOC 218
Short Title: Aggravated Burglary & Home Invasion Crimes **Person Writing:** Kathleen Sabo
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 153 amends Section 30-16-4 NMSA 1978, governing aggravated burglary, to remove a “dwelling” from list of places and things into which unauthorized entry made with the intent to commit a felony or theft in it constitutes the second degree felony crime of aggravated burglary.

SB 153 also enacts a new Section 30-16-4.1 NMSA 1978 to create the second degree felony crime of “Home Invasion,” consisting of the unlawful entry of a dwelling while an occupant is inside with the intent to commit a felony or theft in it and the person either:

- (1) is armed with a deadly weapon;
- (2) after entering, is armed with a deadly weapon; or
- (3) commits any unlawful act, threat or menacing conduct that causes another person to reasonably believe that the person is in danger of receiving an unlawful battery.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

- 1) Under the current Section 30-16-4 NMSA 1978, if a person enters an occupied or unoccupied dwelling, armed with a deadly weapon, or after entering becomes armed with a deadly weapon, or commits a battery entering, leaving or while inside, the person commits aggravated burglary and is guilty of a second degree felony.

The SB 153 creation of the crime of home invasion requires the unlawfully entered dwelling to be *occupied* in order to commit the second degree felony crime. Thus, as a result of the SB 153 amendments, if a person enters an *unoccupied* dwelling armed with a deadly weapon, or after entering becomes armed with a deadly weapon, or commits a battery entering, leaving or while inside, the person commits burglary pursuant to Section 30-16-3(A) NMSA 1978 and is guilty of a third degree felony, rather than a second degree felony under the current Section 30-16-4 NMSA 1978.

If it is intended for a person entering an unoccupied dwelling with a deadly weapon, or after entering becomes armed with a deadly weapon, or commits a battery entering, leaving or while inside, to continue to be guilty of a second degree felony rather than a third degree felony, Section 30-16-4 NMSA 1978 could be amended to apply to an “unoccupied dwelling,” while the new Section 30-16-4.1 NMSA 1978 would apply to an occupied dwelling.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS

- 1) See “Significant Issues,” #1, above.