

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
-----------------------	----------------------

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 01/28/2025 *Check all that apply:*  
**Bill Number:** SB153 Original  Correction   
 Amendment  Substitute

**Sponsor:** Antonio Maestas & Nicole Chavez **Agency Name and Code Number:** 770-NMCD  
**Short Title:** Crime of Home Invasion **Person Writing:** Anisa Griego-Quintana  
**Phone:** 505-479-2296 **Email:** anisa.griego-quinta@cd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	0	Minimal	Minimal	Minimal	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Senate Bill 153 would create a new crime of “home invasion under Sec. 30-16-4.1 and makes minor technical changes to language in Sec. 30-16-4, dealing with aggravated burglary, that do not seem to alter the intent or impact of the law as it currently stands.

The main change Senate Bill 153 would make is allowing prosecutors more options in cases of burglary. In addition to existing statute dealing with burglary and aggravated burglary, the bill would allow prosecutors to also charge the accused with “home invasion,” which would be a second degree felony under the proposal.

Defines “home invasion” as the unlawful entry of a dwelling while an occupant is inside, and if the person entering the home or dwelling “has the intent to commit a felony or theft in it. Would also require — to meet the definition of home invasion — that the intruder either be armed with a deadly weapon or finds something that could be used as a deadly weapon after entering. The definition could also be met if the intruder “commits any unlawful act, threat or menacing conduct that causes another person to reasonably believe” they’re in danger of being assaulted.

#### **FISCAL IMPLICATIONS**

No significant implications.

#### **SIGNIFICANT ISSUES**

None for the Corrections Department.

#### **PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

#### **ADMINISTRATIVE IMPLICATIONS**

Creating a specific charge for home invasion could help identify and separate offenders who pose a higher risk to public safety (e.g., those who are armed or engage in violent behavior). This would allow the issue of home invasion to be dealt with more effectively, potentially reducing repeat offenses. While the deterrent effect could reduce future offenses, the law would also likely increase the number of individuals serving life sentences without the possibility of parole, therefore increasing prison capacity.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None for the Corrections Department.

**TECHNICAL ISSUES**

None for the Corrections Department.

**OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

**ALTERNATIVES**

None for the Corrections Department.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

None proposed by the Corrections Department.