

LFC Requester:	Scott Sanchez
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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: 28 JAN 2025 *Check all that apply:*
Bill Number: SB 153 Original Correction
 Amendment Substitute

Sponsor: Antonio Maestas & Nicole Chavez **Agency Name and Code** 790 – Department of Public Safety
Short Title: Aggravated Burglary & Home Invasion Crimes **Number:** _____
Person Writing Randy Larcher
Phone: 575-386-7712 **Email:** Randyt.larcher@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

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

(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

Creates a new crime of home invasion under Section 30-16-4.1 and makes minor technical changes in Section 30-16-4, dealing with aggravated burglary with the intent to clarify and modernize the language.

If passed, this bill would:

- Remove the words “dwelling” and “himself” from the statute.
- Add home invasion as the unlawful entry of a dwelling while an occupant is inside with the intent to commit a felony or theft in it when the person :
 - (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 immediate battery.
- Make the new crime of home invasion a second degree felony.

FISCAL IMPLICATIONS

None to DPS.

SIGNIFICANT ISSUES

None to DPS.

PERFORMANCE IMPLICATIONS

Adding the definition of home invasion to the statute would be a positive step for New Mexico. This change could enhance protection for residents by establishing a clear legal framework for safeguarding individuals in their own homes. Including specific factors, such as being armed with a deadly weapon or committing threatening acts, would clarify the severity of the crime, ensuring that those who engage in such behavior face serious consequences.

Moreover, classifying home invasion as a second-degree felony with heavy penalties could serve as a deterrent to potential offenders. The risk of facing a significant prison sentence might discourage individuals from committing these crimes. Overall, this change would be beneficial for law enforcement efforts.

ADMINISTRATIVE IMPLICATIONS

None to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None to DPS.

TECHNICAL ISSUES

None to DPS.

OTHER SUBSTANTIVE ISSUES

None to DPS.

ALTERNATIVES

None to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None to DPS.

