

1 SENATE BILL 153

2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

3 INTRODUCED BY

4 Antonio Maestas and Nicole Chavez and E. Diane Torres-Velásquez

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7  
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9  
10 AN ACT

11 RELATING TO LARCENY; REMOVING "DWELLING" FROM AGGRAVATED  
12 BURGLARY; CREATING THE CRIME OF HOME INVASION; PROVIDING A  
13 PENALTY.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 30-16-4 NMSA 1978 (being Laws 1963,  
17 Chapter 303, Section 16-4) is amended to read:

18 "30-16-4. AGGRAVATED BURGLARY.--

19 A. Aggravated burglary consists of the unauthorized  
20 entry of [~~any~~] a vehicle, a watercraft, an aircraft [~~dwelling~~]  
21 or other structure, movable or immovable, with intent to commit  
22 [~~any~~] a felony or theft [~~therein~~] in it and the person either:

23 [~~A.~~] (1) is armed with a deadly weapon;

24 [~~B.~~] (2) after entering, [~~arms himself~~] is  
25 armed with a deadly weapon; or

.229801.1GLG

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1                   [~~6.~~] (3) commits a battery upon [~~any~~] a person  
2 while in [~~such~~] the place or in entering or leaving [~~such~~] the  
3 place.

4                   B. Whoever commits aggravated burglary is guilty of  
5 a second degree felony."

6                   SECTION 2. A new Section 30-16-4.1 NMSA 1978 is enacted  
7 to read:

8                   "30-16-4.1. [NEW MATERIAL] HOME INVASION.--

9                   A. Home invasion consists of the unlawful entry of  
10 a dwelling while an occupant is inside with the intent to  
11 commit a felony or theft in it and the person either:

12                                 (1) is armed with a deadly weapon;

13                                 (2) after entering, is armed with a deadly  
14 weapon; or

15                                 (3) commits any unlawful act, threat or  
16 menacing conduct that causes another person to reasonably  
17 believe that the person is in danger of receiving an immediate  
18 battery.

19                   B. Whoever commits home invasion is guilty of a  
20 second degree felony."