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SENATE BILL 153

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

INTRODUCED BY

Antonio Maestas and Nicole Chavez

AN ACT

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

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

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

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

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

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

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

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."