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FISCAL IMPACT REPORT

ORIGINAL DATE 02/19/09
 SPONSOR Thomas LAST UPDATED 03/02/09 HB 697aHCPAC
 SHORT TITLE No Firearm Discharge Near Campgrounds SB _____
 ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorney (AODA)
 Attorney General (AGO)
 Public Defender Department (PDD)
 Energy Minerals and Natural Resources Department (EMNERD)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of House Consumer and Public Affairs Amendment to House Bill 697

1. On page 2, lines 7 and 8, strike "one hundred fifty" and insert in lieu thereof "three hundred".
2. On page 2, line 9, before the comma, insert "and within three hundred yards of the exterior boundaries of a state park".
3. On page 2, strike line 10 through "or" and insert in lieu thereof "designated".

These changes make HB 697 more closely align with current State Park rules.

Synopsis of Original Bill

House Bill 697 proposes an amendment to Section 30-7-4 NMSA 1978 that would prohibit the discharge of a firearm within one hundred fifty yards of a designated campground, picnic areas

or area for the public to congregate within public parks, not including nature trails, hiking and backpacking areas or hunting areas. The bill provides a penalty of petty misdemeanor for the unlawful firearm discharge and also includes minor non-substantive language clean up to the statute.

FISCAL IMPLICATIONS

There is the potential for the requirement additional law enforcement, court costs and possibly jail expenses. The crime of petty misdemeanor is punishable for jail time of six months or less.

SIGNIFICANT ISSUES

The AODA notes:

The bill fulfills a gap in statute which would further protect the citizens of New Mexico who wish to enjoy a day at a public park or a meal among the natural beauty of the state from those who do not take the responsibility of possessing a firearm seriously. The statute would provide the same protection to those outside the state and federal park system that those within its boundaries enjoy. A concern is that the bill leaves open the possibility that a responsible citizen who was forced to discharge a firearm to protect themselves from a predatory snake, rabid animal or other dangerous predator is open to criminal charges.

EMNERD offers information related to current practice and rules in the state park system.

HB 697 as proposed would supersede the existing SPD regulation and weaken the existing protections thru statute. HB 697 would not only cut in half the “safety-exclusion zone” within which firearms cannot be discharged (from 300 yards to 150 yards), but it would also allow firearms to be discharged along nature, hiking, and backpacking trails within state parks, which directly conflicts with a long standing and necessary park regulation. HB 697 as proposed would actually weaken current prohibitions on the discharge of firearms within state parks, since current State Park Division (SPD) rule prohibits the discharge of firearms within three hundred yards of developed park area or campsite. The bill is in direct conflict with SPD regulation 19.5.2.20 NMAC which states, “Visitors shall not possess firearms. . . with a cartridge in any portion of the mechanism or discharge firearms, including concealed firearms, arrows and air or gas fired projectiles, weapons and other devices capable of causing injury to persons or animals or damage or destruction of property in the state parks system, except during designated hunting seasons or in authorized areas. No such activity is allowed within 300 yards of a developed park area or occupied campsite. The restrictions do not apply to on duty law enforcement officials.”

SPD rules, however, do not apply to firearms discharges that occur immediately outside of state park boundaries. But this is, in fact, a serious matter and concern for SPD. Recently, for example, discharge of firearms was occurring just outside the boundary of Oliver Lee Memorial State Park. This firearms activity was posing a serious safety threat, as well as an aesthetic intrusion, to park staff and visitors. It would be a tremendous improvement for safety and the increased protection of park values, if the discharge of firearms was, in fact, prohibited in close proximity to all state park boundaries.

SPD manages 35 state parks that consist of a variety of recreational opportunities for visitors. In addition to hundreds of developed areas, picnic areas and campgrounds, state parks include

nature trails, hiking trails, horseback trails, bicycle trails and backpacking opportunities for visitors. One hundred twenty-five miles of trails are designated within the state park system. Twenty-four of the thirty-five state parks have trails that cover more than one mile, and eight of these parks have trails longer than five miles, including the 16-mile Paseo del Bosque trail through the Rio Grande Valley State Park and the 16-mile Equestrian Trail at Santa Rosa Lake State Park. Many of these trails are adjacent to or contiguous with public lands managed by other agencies, including the United States Forest Service, Bureau of Land Management, and NMDGF. Most of these trails are multiple use, including hiking, birding, mountain biking, cross-country skiing, and as interpretive and educational sites. As part of the Outdoor Classroom Program, SPD utilizes its many miles of trails to instruct school field trips on nature, ecology, wildlife, cultural history, ethno botany, outdoor ethics, and conservation. HB 697 as proposed threatens the safety and comfort level of students participating in Outdoor Classroom Program experiences and this threat must be strongly considered, as well as that of park visitors seeking to enjoy the many trail recreation opportunities state parks provides.

In addition, there are a few state parks that authorize and provide designated hunting areas. The designated hunting areas are evaluated and agreed upon through the combined management efforts of SPD and the New Mexico Department of Game and Fish (NMDGF).

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