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## FISCAL IMPACT REPORT

**SPONSOR** Sariñana/Thomson      **ORIGINAL DATE** 1/26/2018  
**LAST UPDATED** 2/01/2018      **HJM** 12/aHJC

**SHORT TITLE** Notify FBI of Certain Gun Purchase Attempts      **SB** \_\_\_\_\_

**ANALYST** Edwards

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

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0.0	Minimal	\$0.0	Minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Related to HB 19, HB 25, HB 29, HB 118.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Attorney General (NMAG)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HJC Amendment

House Joint Memorial 12 as amended by the House Judiciary Committee (HJC) adds language clarifying the Federal Bureau of Investigation (FBI) share data on denied gun purchases that occur specifically in the state of New Mexico.

#### Synopsis of Original Bill

House Joint Memorial 12 requests that the FBI share information with New Mexico law enforcement agencies regarding denied attempts to purchase firearms in order to provide those agencies with additional resources to keep firearms out of the hands of domestic abusers and other people with dangerous histories.

### FISCAL IMPLICATIONS

There is no appropriation contained in the memorial. There may be some impact on the general fund for administrative costs at the Department of Public Safety to obtain and analyze data from the FBI.

## SIGNIFICANT ISSUES

DPS provided the following analysis, not provided for the memorial's initial hearing, stating the federal government would not be able to comply with the mandates of HJM 12:

“Under the Brady Bill that created the National Instant Criminal Background Check System, no department of the United States Government may require any record generated by the system be recorded at or transferred to any facility owned, managed or controlled by the United States or any state. Therefore, the FBI would not be able to comply with the request to notify (transfer information to) New Mexico state law enforcement agencies in accordance with this bill.”

The memorial requests that the FBI share data regarding denied attempts to purchase firearms in New Mexico with law enforcement, but does not specify to which law enforcement agency or with what frequency. Many FBI databases contain information requiring certain levels of clearance to access and analyze.

However, there are levels of cooperation with the federal government relating to gun control information sharing and law enforcement agencies in New Mexico.

According to a 2003 study submitted to the Bureau of Justice Statistics titled “[Cost-Benefit of Point-of-Contact \(POC\) Versus Non-POC Firearm Eligibility Background Checks](#),” states may choose among three optional modes of operation referred to as full point of contact (POC), partial-POC, and non-POC. Costs of operating as a full-POC state are detailed in the 2003 study on pages 39-41 and page 54.

- In full POC states, Federal Firearms Licensees (FFLs) [individuals licensed to engage in the business of manufacturing, importing and/or dealing in firearms] first query NICS and related state files through POCs [typically state departments of public safety] and then, if necessary, the staff of the POCs carry out the required follow-up research.
- In partial POC states, FFLs query NICS and state files through a POC for handgun purchases or permits but query NICS directly for long gun purchases. While POC states charge a fee to the FFLs for each background check, there is no charge in non-POC states.
- In non-POC states, FFLs contact the NICS Operations Center directly by telephone or via the Internet and any required follow-up research is performed by the NICS's FBI staff.

Twelve states act as the full Point of Contact (POC) for all firearms transactions in their states. However, New Mexico is not a full Point of Contact (POC) state with the federal government and relies on FBI's National Instant Criminal Background Check System (NICS) to perform background checks and determine eligibility to purchase firearms.

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