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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/19/13

SPONSOR Rehm LAST UPDATED 03/05/13 HB 10/aHJC

SHORT TITLE Lifetime Firearm Ban for Felons SB \_\_\_\_\_

ANALYST Jorgensen

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

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	Unknown	Unknown	Unknown	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the District Attorneys (AODA)  
 Attorney General's Office (AGO)  
 Department of Public Safety (DPS)  
 New Mexico Sentencing Commission (NMSC)  
 Public Defender Department (PDD)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 10 clarifies that any felon who has not been pardoned or has not been permitted pursuant to federal law may not possess a firearm or destructive device. The amendment creates an exception which allows felons to own antique firearms as defined by federal law.

#### Synopsis of Original Bill

House Bill 10 (HB 10) would amend Section 30-7-16[C][2][a], NMSA 1978, so that anyone convicted of a felony offense anywhere in the country could never possess a firearm or destructive device unless they had been pardoned. It would remove the current ten year limitation after completion of their sentence before a convicted felon can lawfully possess a gun and make it a lifetime ban. It would also eliminate the provision that the law does not apply to persons who had received a deferred sentence.

**FISCAL IMPLICATIONS**

The effects of the enactment of HB 10 are unknown, but it is likely that there will be an impact on the general fund as the result of increased prosecutions and incarceration.

**SIGNIFICANT ISSUES**

If adopted the bill might increase the number of felon in possession of a firearm or destructive device cases and that would require more resources to investigate, prosecute and adjudicate the cases and could result in more people being incarcerated.

According to the AGO, the change proposed in HB 10 should not face substantive legal challenge. There is no real basis for permitting one class of convicted felons to possess firearms or destructive devices while another class is prosecuted. Also, a deferred sentence, unlike a conditional discharge, is a criminal conviction. The proposed changes do not alter anything with regard to defendants who receive conditional discharges or executive pardons.

NCJ/svb:blm