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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 1/26/17  
**LAST UPDATED** 1/27/17     **HB** \_\_\_\_\_

**SPONSOR** Neville

**SHORT TITLE** Concealed Carry Eligibility     **SB** 56

**ANALYST** Sánchez

### REVENUE (dollars in thousands)

| Estimated Revenue |                           |                           | Recurring<br>or<br>Nonrecurring | Fund<br>Affected                   |
|-------------------|---------------------------|---------------------------|---------------------------------|------------------------------------|
| FY17              | FY18                      | FY19                      |                                 |                                    |
|                   | Indeterminate<br>Decrease | Indeterminate<br>Decrease | Recurring                       | Concealed<br>Handgun Carry<br>Fund |

(Parenthesis ( ) Indicate Revenue Decreases)

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

|              | FY17 | FY18 | FY19                      | 3 Year<br>Total Cost      | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|------|---------------------------|---------------------------|------------------------------|------------------|
| <b>Total</b> |      |      | Indeterminate<br>Increase | Indeterminate<br>Increase | Recurring                    | General<br>Fund  |

(Parenthesis ( ) Indicate Expenditure Decreases)

**Relates to** HB62 and HB78  
 Duplicates SJR5

#### **SOURCES OF INFORMATION** LFC Files

Responses Received From  
 Attorney General's Office (AGO)  
 Administrative Office of the Courts (AOC)  
 Administrative Office of District Attorneys (AODA)  
 Department of Public Safety (DPS)

#### **SUMMARY**

##### Synopsis of Bill

Senate Bill 56 proposes to amend Section 30-7-2 NMSA 1978 to allow a person 18 years of age or older to carry a loaded concealed handgun without a license, as long as the person is not

prohibited by federal or state law or court order from possessing or carrying a firearm.

## **FISCAL IMPLICATIONS**

The Department of Public Safety (DPS) reports it processes approximately 12,150 applications per year with a revenue averaging \$460 thousand. It is possible that the reduced activity resulting from this bill would require a smaller staff in the Concealed Handgun Carry Unit, which currently has seven FTE. One employee is paid from the general fund while the remaining FTE are paid with revenue generated from licensing fees. If the licensing activity decreases, DPS's expenses for annual maintenance and upgrades of the criminal history screening computer system would exceed the revenue received from licensing and would have to be absorbed by other funding sources, including the general fund. The amount budgeted annually for maintaining and upgrading the computer system is between \$250 and \$350 thousand.

Other agencies report minimal fiscal impact from this bill.

## **SIGNIFICANT ISSUES**

DPS states that to secure reciprocity with other states, it has to continue the concealed carry license program. It; however, cannot predict how many New Mexican's would apply for or renew a concealed carry license to travel across state lines and carry a concealed handgun.

AOC states that SB56 basically eliminates the need for a concealed handgun license for any person who is eighteen years of age or older and who is not prohibited by federal or state law or court order from possessing or carrying a firearm. The result is that these persons can carry a concealed handgun (subject to the school premises and other limitations in the Concealed Handgun Carry Act) without swearing that they meet the criminal background and training qualifications set out in the Act, and no background check is conducted by DPS.

The Attorney General's Office (AGO) states that the bill proposes to abolish the license requirement for carrying a concealed handgun in New Mexico, without otherwise amending or repealing the concealed carry licensure requirements currently found in the Concealed Handgun Carry Act, NMSA 1978, Sections 29-19-1 to -15 (2003 and as amended). The bill also attempts to keep some of the limitations of the Concealed Handgun Carry Act, but does not specify which ones. This is problematic because the same paragraph is removing most of the limitations imposed in the Concealed Handgun Carry Act. Criminal laws should be clear and specific and provide notice to the public on what is prohibited, otherwise they are unconstitutionally vague. The limitations that the bill proposes to keep may be unenforceable.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB198 relates to HB62 Concealed Carry License Expiration Notices; HB78 Online Concealed Carry Courses.

Duplicates SJR5

## **TECHNICAL ISSUES**

The AGO points out that this bill conflicts with Section 30-7-2.2 NMSA 1978, which prohibits persons under 19 years of age from possessing or transporting handguns, subject to limited exceptions. And, paragraph (5) on page 2 of this bill is inconsistent with the intent of the new

paragraph (6).

**OTHER SUBSTANTIVE ISSUES**

AOC opines that it is unclear whether a person who would have failed the qualifications for a license under the Concealed Handgun Carry Act was also prohibited by federal or state law or court order from possessing or carrying a firearm as defined by SB56, or how this fact would be revealed. These issues may well lead to further litigation and criminal proceedings.

The Administrative Office of the District Attorneys (AODA) opines that SB56 would override several of the existing prohibitions in the Concealed Carry Act. Currently, persons convicted of certain misdemeanor convictions preceding their application for a concealed carry license (within ten years for a crime of violence, within five years for driving while intoxicated, within ten years for possession or abuse of a controlled substance, or assault, battery or battery against a household member) are prohibited from receiving a concealed handgun license. See, Sect. 29-19-4(B), NMSA 1978. If SB56 becomes law all those persons could carry a loaded and concealed handgun, except people convicted of battery on a household member. The bill would also permit a loaded and concealed handgun to be carried, without any formal screening, by legal aliens and others passing through New Mexico, persons 18—20 years of age (instead of age 21 and older), alcoholics, and people who have not completed a firearms training course and proven their ability to safely and skillfully use a handgun anyone, if they were not otherwise disqualified.

ABS/jle/al