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FISCAL IMPACT REPORT

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| SPONSOR <u>Nibert</u> | LAST UPDATED _____ |
| | ORIGINAL DATE <u>02/22/2023</u> |
| SHORT TITLE <u>Firearms on School Property Software</u> | BILL NUMBER <u>House Bill 295</u> |
| | ANALYST <u>Chilton</u> |

APPROPRIATION* (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|-----------|------------------------------|------------------|
| FY23 | FY24 | | |
| | \$2,500.0 | Nonrecurring | General Fund |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bills 254 and 283, and Senate Bills 93, 95 and 131.

Sources of Information

LFC Files

Responses Received From

Department of Public Safety (DPS)
 Department of Information Technology (DOIT)
 Public Education Department (PED)

No Response Received

Regional Education Cooperatives (REC)
 Albuquerque Public Schools (APS)

SUMMARY

Synopsis of House Bill 295

House Bill 295 appropriates \$2.5 million from the general fund to the Public Education Department for the purpose of funding school security pilot projects in schools in counties in southeastern New Mexico, as indicated on the map below:



The funding would be used to develop and deploy software that detects the presence of a gun or other firearms on school property, alerting school personnel and first responders to its presence.

Requirements regarding the software program are

- Developed in the United States;
- Patented in the US and accompanied by a training database;
- Designed as a qualified anti-terrorism technology under the federal Safety Act;
- Designed to integrate with existing school security cameras; and
- Managed through the contracted firm’s operations center which must be open at all times.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

The appropriation of \$2.5 million contained in this bill is nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY26 shall revert to the general fund. Although House Bill 295 does not specify future appropriations, establishing a new pilot project could create an expectation the program will continue in future fiscal years; therefore, this cost could become recurring.

PED notes that appropriations only given to school districts, such as the one in this bill, create offsets, such that future appropriations to those districts through the Public School Capital Outlay Council would be lower than would otherwise be the case.

DOIT notes that it is difficult to estimate costs of such systems, as they vary “depending on services such as detection, notification, response, integration, data security and telecommunication.”

SIGNIFICANT ISSUES

In a 2018 LFC Hearing Brief, the authors note the multiple approaches states have taken to try to keep school children safe, including, in their list, physical security structures (including metal detectors and security cameras), trained school personnel, restricting access to guns, revising school disciplinary procedures, establishing early warning programs, checking for weapons on entrance into school facilities, expanding mental health services, and hiring armed personnel. The authors are concerned that such efforts may impede learning. They cite the importance of adverse childhood experiences, such as losing a parent, experiencing abuse or neglect, and poverty in conditioning children to violence. The study makes recommendations but does not cite evidence on the effectiveness of early warning systems, as in the software envisioned by this bill, or by hired, armed personnel, as are envisioned in House Bills 254 and 283. The report states that “Experts who study mass shootings, including those in schools, indicate these incidents are not happening more frequently, but are more deadly than past attacks.”

PED notes the past history of school safety measure appropriations:

In 2018, the Public School Capital Outlay Act was amended to allow the PSCOC to develop guidelines for a school security system project grant program. Grants are distributed according to the public school capital outlay fund distribution requirements in 22-24-5 NMSA 1978, which provide that public school capital outlay funds shall be matched locally. School safety grants have been administered by PSFA through the PSCOC in recent years.

In 2018, the Legislature appropriated \$16 million from the Public School Capital Outlay Fund for school security systems statewide, and the PSCOC distributed the funds to schools in the 2018-2019 school year. The funding was matched by a total of \$14.3 million from school districts and charter schools.

The bill requires that the software in question be designated as “qualified antiterrorism technology pursuant to the federal SAFETY Act, 6 U.S.C. Sections 441, et seq.” The SAFETY Act permits software to be so designated when it meets a number of criteria, including but not limited to:

1. Prior United States Government use or demonstrated substantial utility and effectiveness.
2. Availability of the technology for immediate deployment in public and private settings.
3. Existence of extraordinarily large or extraordinarily unquantifiable potential third party liability risk exposure to the Seller or other provider of such anti-terrorism technology.
4. Substantial likelihood that such anti-terrorism technology will not be deployed unless protections under the system of risk management provided under this part are extended.
5. Magnitude of risk exposure to the public if such anti-terrorism technology is not deployed.
6. Evaluation of all scientific studies that can be feasibly conducted in order to assess the capability of the technology to substantially reduce risks of harm.
7. Anti-terrorism technology that would be effective in facilitating the defense against acts of terrorism, including technologies that prevent, defeat or respond to such acts.

The bill provides very specific requirements that include more than just technical specifications, such as requirements that the software be patented by the United States patent and trademark office and include a training database that is populated with frames of actual videos of firearms detected in relevant environments across diverse industries, and that it be developed in the United States without the use of any third-party or open-source data. It is unclear how many software packages may actually fulfill particular requirements.

DOIT notes the various types of software that might fit the specifications or some of the specifications listed in this bill: “Based on the requirements defined in HB 295, it is difficult to know how many vendors may qualify to provide the necessary system. Different types of detection techniques and technologies are being piloted across the country such as metal detection, audible detection, and visual detection. Lack of sufficient data in public domain for comparative analysis does not exist as pilot programs are still being implemented. Technology that uses Artificial Intelligence (AI) to review video camera footage to detect firearm when brandished or when fired for law enforcement personnel to be dispatched when detected by the AI software for risk mitigation.”

RELATIONSHIP

Relates to House Bills 254 and 283, each of which is entitled “School Marshal Act,” providing for armed school marshals in schools that wish to have them in the interest of preventing school violence.

Relates to [Senate Bill 93, Mora School Security](#), specific to the Mora School District, to [Senate Bill 95, Statewide School Safety](#), which would appropriate to \$25 million from the Public School Capital Outlay Fund to the PED for expenditure in FY24 for school safety statewide, and to [Senate Bill 131, Public School Funding Changes](#), which would appropriate \$25 million to the Public School Finance Authority (PSFA), to be used for school security infrastructure by districts around New Mexico.

ALTERNATIVES

As noted by PED, “To reduce the likelihood of school shootings the sponsors may consider investing \$2.5 million in behavioral health services.”

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