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FISCAL IMPACT REPORT

SPONSOR Anderson DATE TYPED 3/6/05 HB 377/aHJC

SHORT TITLE Allow Judges to Carry Firearms SB _____

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

Department of Public Safety (DPS)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 377 states a concealed handgun license shall not be valid in a courthouse or court facility unless authorized by the presiding judicial officer for that courthouse or court facility or by a judge in the courthouse if the judge has a valid and current concealed handgun license pursuant to the Concealed Handgun Carry Act.

The amendment removes the requirement that a judge must have successfully completed a course of firearms instruction prescribed by the New Mexico law enforcement academy or provided by a certified firearms instructor who is employed on a permanent basis by a law enforcement agency.

Synopsis of Original Bill

House Bill 377 amends the Unlawful Carrying of a Deadly Weapon statute to allow licensed judges to carry firearms in the courthouse.

The bill also changes some language to gender-neutral language.

Significant Issues

The PDD provided the following:

There might be separation of powers problems with this proposed legislation. *Cf. Ammerman v. Hubbard Broadcasting, Inc.*, 89 N.M. 307, 551 P.2d 1354 (1976). The interior running of the courts has generally been held to be the prerogative of the courts, as 2004's unsuccessful writ by the Sheriff of Bernalillo County against the Chief Judge of the Metropolitan Court for refusing to allow his deputies to be armed within the courthouse demonstrated. HB 377 might be interpreted as undermining the power of the New Mexico Supreme Court or chief judges of the various courts to regulate their courts.

This legislation is not really needed. Presently, nothing in the law forbids a licensed judge from carrying a concealed weapon in his court if the chief judge approves.

Nevertheless, other states (which do not have statutes such as NMSA 1978, § 29-19-11 (2003) on the books) have enacted provisions similar to the ones proposed in HB 377.

DW/sb:yr