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FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/2007

SPONSOR Ingle LAST UPDATED 03/17/07 HB _____

SHORT TITLE Concealed Handguns in Certain Businesses SB 111/a SJC/aHBIC

ANALYST Schuss/Baca

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates: Senate Bill168

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General’s Office (AGO)

Department of Public Safety (DPS)

SUMMARY

Synopsis of HBIC Amendments

The House Business and Industry Committee amendments strike Senate Judiciary amendment 2 and insert language that makes it lawful for a “law enforcement officer who is certified pursuant to the Law Enforcement Training Act acting in accordance with the policies of the officer’s law enforcement agency ”to carry a loaded or unloaded firearm in a liquor establishment.

Synopsis of SJC Amendment

The Senate Judiciary Committee Amendment amends the title of the Act to be more consistent with the provisions within the bill. The amendment further exempts law enforcement officers certified pursuant to the Law Enforcement Training Act and acting within the policies of their agency from the provisions within the bill.

Significant Issues

The amendment will prevent off-duty law enforcement officers from carrying a firearm when in a licensed establishment selling alcoholic beverages for consumption on the premises.

Synopsis of Original Bill

Senate Bill 111 amends NMSA 1978, § 30-7-3 to permit persons licensed under the Concealed Handgun Carry Act to carry a concealed handgun into an establishment licensed to dispense alcohol beverages provided that this establishment does not sell alcoholic beverages for consumption on the premises.

SIGNIFICANT ISSUES

The Attorney General’s Office (AGO) notes that a person with a concealed weapon carry permit may not currently bring a concealed weapon into an establishment licensed by RLD that sells alcoholic beverages for consumption on the premises.

The Department of Public Safety (DPS) states that this legislation attempts to address questions/complaints from the public pertaining to carrying a firearm in any place that sells/serves alcohol. Often, individuals do not know if this applies to a convenience store, for instance. Many individuals assume they can carry into stores that sell package alcohol, but clearly not into a bar. As it stands, people who do carry into a store that sells package alcohol are committing a 4th degree felony.

DUPLICATION

Duplicates Senate Bill168.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The DPS states that a person may unknowingly, without criminal intent, commit a 4th degree felony by carrying a firearm into a convenience store to pay for gas.

POSSIBLE QUESTIONS

The Department of Public Safety notes the following questions:

What about licensees from other states whose permits NM recognizes? NM currently recognizes concealed carry permits from 20 other states. Amendment does not appear to address these out-of-state permit holders that are traveling through NM or living in NM. Proposed change will not apply to individuals that carry openly as NM law allows?

BS/mt