

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** CS/HB 136

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .185419.2

**Short Title:** Additional Concealed Guns & Additional Places

**Sponsor(s):** Representatives Zachary Cook and William “Bill” R. Rehm and Others

**Analyst:** Kevin Force

**Date:** March 1, 2011

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**HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 136**

**Bill Summary:**

CS/HB 136 creates a new section of law relating to law enforcement to allow a concealed handgun permittee to carry concealed handguns in state parks and recreation areas operated by the State Parks Division (SPD) of the Energy, Minerals and Natural Resources Department.

**Fiscal Impact:**

CS/HB 136 does not contain an appropriation.

The Administrative Office of the Courts (AOC) notes an “unknown” fiscal impact and explains that there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes.

**Technical Issues:**

In its analysis, SPD explains that State Parks Division rule 19.5.2.20 NMAC:

- currently states that visitors shall not possess firearms, including concealed firearms, with a cartridge in any portion of the mechanism or discharge firearms, including concealed firearms, except during designated hunting seasons or in authorized areas;
- permits no such activity within 300 yards of a developed park area or occupied campsite. (Subsection A of 19.5.2.20 NMAC does not apply to on duty law enforcement officials.); and
- the rule’s objective is to provide standards for visitor use of the New Mexico state parks system in a manner that promotes public health, safety, and welfare and preserves park facilities and the environment.

**Substantive Issues:**

In its analysis of CS/HB 136, the New Mexico Department of Public Safety, Special Investigations Division (NMDPS/SID) states that:

- CS/HB 136 proposes to allow persons licensed to carry concealed handguns to carry them in areas that have previously been deemed by the Legislature to be too high risk;
- concerns and arguments that have made these prohibitions lawful still exist; and
- implementation of the proposed changes could put an additional burden on commissioned officers of the NMDPS and law enforcement statewide as more firearms-related incidences could arise as a result of allowing firearms to be carried into more places.

### **Background:**

In its analysis, the Department of Health indicated that:

- New Mexico ranked in the top 10 states for rates of firearm deaths in 2007 (the latest year for which data is available)<sup>1</sup>;
- there were 868 firearm deaths in New Mexico from 2007 to 2009 making firearms one of the leading causes of injury death in the state;
- an average of 432 gunshot injuries was treated in New Mexico emergency rooms annually from 2004 to 2008; and
- in 2009 there were 190 self-inflicted deaths by firearms and 91 firearm-related assaults in New Mexico.

### **Related Bills:**

HB 140 *No 2-Year Concealed Gun Refresher Courses*  
SB 29 *Eliminate Certain Concealed Gun Requirements*

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<sup>1</sup> National Vital Statistics Reports, Vol. 58, No.19, May 20, 2010