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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/12

SPONSOR Hall **LAST UPDATED** _____ **HB** 67

SHORT TITLE National Background Checks for Concealed Guns **SB** _____

ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Amends the Concealed Handgun Carry Act (Section 29-19-2 NMSA 1978) to specifically require a national instant criminal background check via NICS (National Instant Criminal Background Check System).

FISCAL IMPLICATIONS

The Department of Public Safety (DPS), reports no fiscal implications.

SIGNIFICANT ISSUES

According to the DPS, its Special Investigation Division Concealed Carry Unit (SID/CCU) already runs NICS as part of the background process. Ultimately, this change in language could result in an effort to allow a person's NM Concealed Carry license to serve as evidence that he has already passed a NICS check and therefore will not need a NICS check at the time he is purchasing a firearm.

This may pose serious liability issues for the DPS. We do not currently have any mechanism in place (Rap Back is still a year or two away from implementation) to provide the DPS notification of a licensee's arrest and/or follow-up on case disposition. Federal Firearms Licenses,

essentially, would be relying on the DPS and our NICS check when deciding whether or not to sell a firearm to someone. In sum, the fact of a concealed carry permit is merely a snapshot of the background check process. An accurate picture from the date of issuance forward is not possible without further checks.

According to the Bureau of Justice, a “rap back” or “hit notice” program will inform an employer or other designated entity when an individual who has undergone a fingerprint-based background check, and whose fingerprints are retained by a criminal history repository after the check, is subsequently arrested. His or her fingerprints, obtained after the arrest, are matched against a database that contains the fingerprints that were initially submitted. Employers are then notified of the individual’s arrest. Employers pay a fee for the service in some states; other states provide the service for free.

ABS/lj:amm