

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 01/28/15
 LAST UPDATED 02/25/15

SPONSOR Bandy HB 106/aHRPAC/aHJC

SHORT TITLE Concealed Carry Fingerprints & Refreshers SB _____

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 189, SB 118 and is related to SB 268.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorneys (AODA)
 Office of the Attorney General (AGO)
 Department of Public Safety (DPS)
 Department of Health (DOH)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 106 inserts the words “or renewed” on page 4, line 20 so that Section H now states that DPS shall suspend or revoke a concealed handgun license if (Subsection 2) “the license did not satisfy the criteria for issuance of a concealed handgun license at the time the license was issued or renewed”.

This change clarifies that the DPS suspension or revocation applies to license renewals (as well as the original issuance of the license) when it comes to satisfaction of criteria.

Synopsis of HRPAC Amendment

The House Regulatory and Public Affairs Committee amendment to House Bill 106 amends Subsection G to reestablish the requirement that the DPS conduct a national criminal records check of a licensee seeking to renew a license, rather than requiring the DPS to “update” the criminal records check of a licensee.

Synopsis of Bill

House Bill 106 proposes to amend Section 29-19-6 NMSA 1978 addressing renewal of concealed handgun licenses.

HB 106 would:

- eliminate the two-hour refresher course currently required within two years of issuance of the original or renewed license;
- extend the period of renewal from 60 days to 90 days from the expiration date of the original concealed handgun license;
- eliminate the requirement that upon renewal the licensee submit a new set of fingerprints to conduct the records check;
- require only an “updated criminal records check” rather than the “national criminal records check” that is currently required under the statute.

FISCAL IMPLICATIONS

HB 106 carries no appropriation and has no fiscal impact.

SIGNIFICANT ISSUES

HB 106 is generally less restrictive than the current statute it seeks to amend.

HB 106 removes the requirement for the two-hour refresher course with license renewal. This requirement was included as part of the Concealed Handgun Carry Act to address concerns voiced about licensees being authorized to carry multiple caliber handguns. The concern was that it was important to assure that licensees remain proficient in the proper use, handling and safety skills, and that such skill would be more difficult to maintain when using multiple weapons. The refresher course may act as an incentive to ensure regular practice.

This provision recognized that it was important to assure that licensees remain proficient in the safe and proper use and handling of firearms, magazines, and ammunitions. This provision further recognized that these skills may be more difficult to maintain when using and carrying multiple and various handguns. The statutory refresher course incentivizes licensees to periodically re-familiarize themselves with the safe and proper use and handling of each firearm they are licensed to conceal and carry.

According to DPS analysis, lowering the level of requirements for the license could affect reciprocity with other states. Reciprocity is based on the requirements being the same as or exceeding the requirements of the reciprocating state. Changing the requirements could result in losing reciprocity with certain states should they determine New Mexico’s requirements no longer meet their standards. If New Mexico’s requirements are changed, the Department of Public Safety will be required to provide a copy of the new statutes to each state with which a current reciprocity agreement is maintained and request a review of the requirements relative to the current agreement.

ADMINISTRATIVE IMPLICATIONS

There will be a short-term minimal impact on the DPS in the review and possible re-negotiation of the reciprocity agreements.

CONFLICT

SP 118/aSPAC now conflicts with HB 106, a previously duplicate bill, also amending Section 29-19-6 NMSA 1978 to eliminate the fingerprint requirement upon renewal of a concealed handgun license, eliminate the 2-year refresher firearms training course, and allowing additional time to apply for renewal of a license.

SB118a/SPAC conflicts w/ HB 189, amending Sections 29-19-3 and 29-19-6 NMSA 1978 to extend the concealed handgun licensure term from 4 years to 5 and removing the refresher firearms training course required for license.

TECHNICAL ISSUES

In addition to deleting “Refresher Firearms Training Course” from the title of Section 29-19-6, NMSA, HB 106 would also add “Lost or Stolen License” to the title. That presumably is meant to emphasize the provisions of subsection E. which discuss how to obtain a duplicate license after a concealed handgun license is lost or stolen. However, the same subsection also discusses obtaining a duplicate license if a license is destroyed and there is no mention of destroyed in the title.

OTHER SUBSTANTIVE ISSUES

Firearms are a significant cause of injuries and deaths in New Mexico. According to the Centers for Disease Control and Prevention (CDC), New Mexico had the ninth highest rate of firearm deaths in the U.S. among the 50 states and the District of Columbia in 2013.

The firearm injury death rate in NM (15.5 per 100,000 population) was 1.5 times higher than the U.S. rate (10.4 per 100,000 population). From 2009-2013, less than 1 percent of all firearm injury deaths in NM were accidental. The majority (69 percent) of firearm injury deaths were due to self-inflicted injury (suicide), followed by intentional injury or homicide (27 percent).

According to 2014 data compiled by the Department of Public Safety, 2.7 percent of the NM population is licensed to carry a concealed handgun. A recent paper evaluating the impact of “right to carry” (RTC) laws found strong evidence of a statistically significant effect for aggravated assaults, suggesting that RTC laws increase aggravated assaults.

According to the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) Program, there were 9,382 aggravated assaults in NM in 2013. The aggravated assault rate in NM (450 per 100,000 population) was two times higher than the U.S. rate (229 per 100,000 population).

Citations for these statistics are available in LFC files.

AMENDMENTS

House Bill 106 – Page 4

The proposed change in language in Section 1F of the bill relating to background checks from the existing “conduct a national” to “update the” is unnecessary and should be eliminated. The proposed language is not consistent with the language used in criminal law.

CAC/bb