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## FISCAL IMPACT REPORT

SPONSOR HCPAC ORIGINAL DATE 2/19/19  
LAST UPDATED \_\_\_\_\_ HB 130/HCPACS  
SHORT TITLE Additional Firearm Crimes & Penalties SB \_\_\_\_\_  
ANALYST Glenn

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to: HB 83, HB 87

Conflicts with: SB 23

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Attorney General (NMAG)

Administrative Office of the District Attorneys (AODA)

#### Responses Not Received From

Children, Youth & Families Department (CYFD)

### SUMMARY

#### Synopsis of Bill

The House Consumer and Public Affairs Committee Substitute for House Bill 130 amends the definition of “neglected child” in the Abuse and Neglect Act. The definition is amended to include a child whose parent, guardian, or custodian leaves a loaded or unloaded firearm anywhere the parent, guardian, or custodian knows or reasonably should know the child could obtain and possess the firearm without appropriate adult supervision, unless the parent, guardian or custodian takes reasonable action to secure the firearm against access by the child.

The bill defines “securing a firearm” to mean taking steps that a reasonable person would take to prevent a child from gaining access to the gun, including placing the gun in a locked container or making the gun temporarily inoperable by a trigger lock or other means.

## SIGNIFICANT ISSUES

AODA states that the definition of “neglected child” is part of the Abuse and Neglect Act, which governs issues such as termination of parental rights, taking a neglected or abused child into custody and the disposition of a neglected or abused child. The Act applies only to parents, guardians and custodians. It does not include criminal penalties.

NMAG states that the expansion of the definition of a “neglected child” is important because ultimately, a neglected child can be removed from the child’s home. *See* Sections 32A-4-20, 32A-4-22 NMSA 1978.

AODA notes that the definition of “neglected child” added by the bill applies to a child whose parent, guardian or custodian keeps an unsecured firearm in a location where a child *might* access it. It is irrelevant whether the child actually accesses the firearm.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

### Relates to:

HB 83 Extreme Risk Protection Order Act

HB 87 Domestic Violence and Firearm Possession

### Conflicts with:

SB 23, Services for Youth Leaving Foster Care, which also amends Section 32A-4-2 NMSA 1978.

BG/gb