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FISCAL IMPACT REPORT

ORIGINAL DATE 2/5/19
SPONSOR Sharer **LAST UPDATED** _____ **HB** _____

SHORT TITLE Reserve Police Officer Concealed Carry **SB** 224

ANALYST Edwards

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	Revenue decrease, see fiscal implications	Revenue decrease, see fiscal implications	Recurring	Concealed Handgun Carry Fund

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to and conflicts with House Bill 107.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Bill

Senate Bill 224 incorporates reserve police officers into the group of people listed in Section 29-19-14 NMSA 1978 who are permitted to obtain a concealed weapons license without first attending a training course or paying an application and renewal fee. Currently, retired law-enforcement officers who worked at least 10 years, military members, and mounted patrol officers are eligible to obtain a concealed-carry license pursuant to this section.

FISCAL IMPLICATIONS

If passed, Senate Bill 224 could lower revenue flowing in to the Concealed Handgun Carry Fund. DPS does not have a count of how many certified reserve officers exist in New Mexico making the impact on revenue difficult to estimate. DPS also explains that changes to their database will need to be made to add the reserve officer exception and expects minimal manpower cost as a result of the bill's provisions.

SIGNIFICANT ISSUES

NMAG explains reserve officers may have less consistent formal training than other groups exempt from firearms training:

Currently, the three categories of people exempt from training and fees are retired law enforcement officers, military personnel, and mounted patrol officers. Law enforcement officers and military personnel receive firearms training in their respective training programs. Mounted patrol officers receive training pursuant to Section 29-6-4.1 NMSA 1978 (“Training and Entrance Requirements of the New Mexico Mounted Patrol”). Section 29-6-4.1 NMSA 1978 delegates the development of the mounted patrol officer training to the New Mexico Law Enforcement Academy. This indicates that there is a uniform training program in place for mounted patrol officers statewide. No such program exists for reserve officers. The mounted patrol officers have additional oversight by their board and the Governor, pursuant to Section 29-6-1 NMSA 1978. *See* Section 29-6-1 NMSA 1978 through Section 29-6-6 NMSA 1978.

Reserve officers are typically unpaid, volunteer officers appointed by the law-enforcement agency. Individual agencies have discretion to determine the degree and type of training its reserve officers receive.

NMAC 10.8.2 sets forth the procedures for obtaining concealed-carry licenses. This section includes the training and fee exception for retired law enforcement, military personnel, and mounted patrol. NMAC 10.8.2.7(I) defines mounted patrol officer, and includes the training requirement in its definition. (“mounted patrol means a current member of the New Mexico mounted patrol who has successfully completed a law enforcement academy basic law enforcement training program for New Mexico mounted patrol members pursuant to Section 29-6-4.1 NMSA 1978”). Compared to the statutory training requirements for mounted patrol, and the training law-enforcement officers and military personnel receive, reserve police officers receive less or potentially no firearms training. With this bill, it is possible that reserve officers may not have ever received formal firearms training and will still be granted a concealed-carry license.

NMAC 10.8.2.30(A)(4) does provide that law-enforcement officers and mounted patrol officers have to provide their firearms qualification score signed by an instructor, and if reserve officers are required to do so as well, it may indicate that the reserve officer can achieve a passing shooting score.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 224 is related to House Bill 107 - Reserve Police Officer License. If that bill is

enacted, this bill would be moot due to the certification and commission of the reserve officers enabling them to carry concealed weapons.

TECHNICAL ISSUES

DPS believes the language in Section 1, Subsection G should state that the training must be approved by the director of the New Mexico Law Enforcement Academy.

TE/al/gb