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# FISCAL IMPACT REPORT

	Lord/Black/Rehn Montoya, Rod/	n∕ ORIGINAL DATE	02/19/21			
SPONSOR	Townsend	LAST UPDATED		HB	279	
SHORT TITLE No Gov. Restric		strictions on Gun & Ammo Sto	ctions on Gun & Ammo Stores			
			ANAI	LYST	Glenn	

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

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bills 139 and 159 and Senate Bills 74, 79, 281, and 364.

# SOURCES OF INFORMATION

LFC Files

<u>Responses Received From</u> Office of the Attorney General (NMAG) Department of Health (DOH)

#### SUMMARY

Synopsis of Bill

House Bill 279 amends the Riot Control Act to

- Eliminate the governor's current authority during a state of emergency to prohibit the possession of firearms or any other deadly weapon in any place other than a person's residence or business; and
- Prohibit the governor during a state of emergency from restricting the operations of firearm manufacturers, distributors, suppliers and sellers, the sale or transportation of firearms, the operations of shooting ranges, or the operations of businesses that provide firearm instruction.

HB279 also amends the Public Health Act to preclude DOH from issuing a public health order that restricts the operations of firearm manufacturers, distributors, suppliers and sellers, the sale or transportation of firearms, and the operations of shooting ranges.

#### House Bill 279 – Page 2

There is no effective date of this bill. It is assumed the effective date is 90 days following adjournment of the Legislature.

## FISCAL IMPLICATIONS

No fiscal implications from HB279 were noted.

#### SIGNIFICANT ISSUES

The Riot Control Act allows the governor, on the request of a municipality or county and after finding that "a public disorder, disaster or emergency which affects life or property exists in the state," to proclaim a state of emergency in the area affected. See Section 12-10-17 NMSA 1978. The state of emergency and any restrictions imposed by the governor's proclamation terminate automatically after three days unless the governor terminates them sooner. See Section 12-10-19.

DOH refers to studies showing a correlation between gun ownership and gun violence. A review of the academic literature found that an array of evidence indicates that gun availability is a risk factor for homicide, both in the United States and across high-income countries.<sup>1</sup> DOH notes that New Mexico recorded 206,252 firearm background checks in 2020, which was a 31 percent increase since 2019.<sup>2</sup> Unpublished data from the NM Behavioral Risk Factor Surveillance System collected between January and June of 2019 reported that 40 percent of New Mexico residents have a gun in their home.

Given the correlation of gun ownership and gun violence and the prevalence of gun ownership in New Mexico described by DOH, the governor's authority under the Riot Control Act to restrict the possession of firearms outside a home or business for a short period appears appropriate to control against the escalation of violence and death during a riot or similar situation of unrest. Similarly, there is no apparent reason why restrictions on business operations in DOH's properly issued public health orders should not apply to firearm-related businesses to the same extent as other businesses when necessary to control epidemics and or otherwise protect the public health.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB139, HB159, SB74, SB79, SB281 and SB364, all of which seek to limit the executive's emergency powers.

BG/al/sb

<sup>&</sup>lt;sup>1</sup> <u>https://www.researchgate.net/publication/222182383</u> Firearm availability and homicide A review of the literature

<sup>&</sup>lt;sup>2</sup> <u>https://www.fbi.gov/file-repository/nics\_firearm\_checks\_vear\_by\_state\_type.pdf/view.</u>