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| LFC Requester: | Scott Sanchez |
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 19, 2024

Bill No: House Bill 58

Sponsor: Rep. Stefani Lord
Short Title: No Background Check for Firearm Sales

Agency Name and Code
Number: 218 AOC
Person Writing Patricia M. Galindo
Phone: 505-670-2656 **Email** aocpmg@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY24 | FY25 | | |
| None | None | N/A | N/A |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY24 | FY25 | FY26 | | |
| None | None | None | N/A | N/A |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY24 | FY25 | FY26 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | N/A | N/A | N/A | N/A | N/A | N/A |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 58 would repeal Section 30-7-7.1 NMSA 1978, requiring background checks for firearm sales.

HB 58 does not contain an effective date and would be effective on May 15, 2024, 90 days following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS – none identified.

SIGNIFICANT ISSUES

Section 30-7-7.1 NMSA 1978 is a relatively new statute that requires the seller of a firearm to conduct a federal instant background check on the potential purchaser. The current statute excludes firearm sales to a federal firearms licensee, to a law enforcement agency, between two law enforcement officers, and between immediate family members from having to conduct a federal instant background check. A violation of this statute is a misdemeanor offense.

Federal law only requires a background check if the seller of the firearm is a federal firearms licenses (FFL). This statute was New Mexico’s attempt to require all private firearm sales to conduct a background check using the federal national instant criminal background check system (NICS). Currently, 20 states, other than New Mexico, have what is commonly referred to as “universal background checks” for all firearm sales.

If Section 30-7-7.1 NMSA 1978 is repealed, there would be no legal requirement for a firearm seller to conduct a background check on the potential gun purchaser. Under 18 U.S.C § 922(g), there are nine categories under federal law that prohibit a person from being able to possess a firearm. The most common prohibitors are convicted felons, domestic violence abusers, individuals under a domestic violence order of protection or an extreme risk firearm protection order, and individuals found incompetent to stand trial or involuntarily committed to a mental institution.

PERFORMANCE IMPLICATIONS – none identified.

ADMINISTRATIVE IMPLICATIONS – none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP – none identified.

TECHNICAL ISSUES – none.

OTHER SUBSTANTIVE ISSUES – none identified.

ALTERNATIVES – none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – any firearm sale that does not involve a federal firearms licensee (FFL), law enforcement officer or agency, or between two immediate family members, will not require a background check on the purchaser of the firearm in New Mexico.

AMENDMENTS - none