

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

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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 17, 2024
Bill No: HB58

Sponsor: Lord
Short Title: No Background Check for Firearm Sales

Agency Name and Code Number: NM Sentencing Commission – 354
Person Writing: Keri Thiel
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB58 proposes the repeal of Section 30-7-7.1 NMSA 1978, which makes it a misdemeanor to sell a firearm without conducting a federal instant background check of the prospective buyer. Section 30-7-7.1 NMSA 1978 provides exceptions for the sale of a firearm under one or more of the following circumstances:

1. by or to a person who holds a current and valid federal firearms license;
2. to a law enforcement agency;
3. between two law enforcement officers; or
4. between immediate family members.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

New Mexico’s firearm death rate has increased from the seventh highest nationwide in 1999 to third highest nationwide in 2021, including an 87% increase in the age-adjusted firearm death rate between 2010 and 2021. (See “Comprehensive Report on Gunshot Victims Presenting at Hospitals in New Mexico” published by the New Mexico Department of Health, September 29, 2023, at <https://www.nmhealth.org/publication/view/report/8463/>.)

Repeal of Section 30-7-7.1 NMSA 1978 may further increase the rate of firearm death in the state. Multiple studies have found a correlation between the implementation or strengthening of background check laws and a reduction in firearm death rates. (See, e.g., “The Impact of State Firearm Laws on Homicide and Suicide Deaths in the USA, 1991-2016: a Panel Study” by Siegel et al., published March 28, 2019 in the Journal of General Internal Medicine, available here: <https://link.springer.com/article/10.1007/s11606-019-04922-x> (analyzing the relationship between 10 state firearm laws and the firearm death rate over 26 years and finding that background check laws were associated with a 14.9% reduction in homicide rates); “Firearm

Laws and Firearm Homicides: A Systematic Review” by Lee et al., published January 2017 in JAMA Internal Medicine, available here: <https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2582989> (evaluating peer-reviewed articles from 1970 to 2016 and finding that laws that strengthen background check requirements were associated with a decrease in firearm homicide rates.)

Similarly, the repeal of a longstanding “permit to purchase” law in Missouri was found to be followed by a 23% increase in annual firearm homicide rates in subsequent years. (See “Effects of the Repeal of Missouri’s Handgun Purchaser Licensing Law on Homicides” by Webster, Crifasi & Vernick, published April 2014 in the Journal of Urban Health, available here: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3978146/>.)

Background checks for firearm sales continue to consistently receive broad support in nationwide polls, including an April 2023 poll by Fox News, which found that 87% of voters favor criminal background checks for all gun buyers. (See “Fox News Poll: Voters favor gun limits over arming citizens to reduce gun violence” available here: <https://www.foxnews.com/official-polls/fox-news-poll-voters-favor-gun-limits-arming-citizens-reduce-gun-violence>.)

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS