

LFC Requester: _____

**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 1/18/24

Bill No: HB 78-280

Agency Name and Code 280 - LOPD
Number: _____

Sponsor: John Block
Short Title: Permitless Firearm Carrying

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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: This bill would allow eligible persons over 18 to carry a gun without any condition or permit/licensing prerequisites, and would repeal NMSA 30-7.2.2 thru 30-7-3 which impose some limitations to carrying a firearm in public.

FISCAL IMPLICATIONS

Because this bill would repeal a misdemeanor and felony-level crime, the proposed legislation might actually reducing the prosecution of certain possession-only crimes. Any such reduction, however, would be nominal, as these regulatory crimes are rarely charged. Meanwhile, by allowing and encouraging concealed carry, the proposed legislation could lead to greater use of firearms during disputes if the firearms are at the ready, which could lead to an increase in charges of felonies involving the use and not just possession of a firearm. The fiscal impact on LOPD is impossible to estimate at this time.

SIGNIFICANT ISSUES

Currently, it is unlawful for a person under 19 to carry a firearm, except in certain enumerated circumstances. *See* NMSA 1978, § 30-7-2.2 (open carry is permitted at age 19, unless not permitted by other state or federal laws). Concealed carry licensing is available but there is an application process and a minimum age requirement of 21. *See* NMSA 1978, § 29-19-4. This bill doesn't seem to impact the requirements currently in place for acquiring a concealed carry permit.

To the extent that the bill would prevent selective enforcement, our clients may benefit. Indigent, black and Latinx people are disproportionately charged with firearm possession crimes. Although HB 78 still creates a petty misdemeanor for unlawfully carrying a firearm, the simultaneous repealing of 30-7-2.2 through 30-7-3 would decriminalize some conduct. Currently, violation of 30-7-2.2 is currently a misdemeanor (unlawful possession of a handgun under age 19), 30-7-2.4 is a petty misdemeanor (carrying on university premises); 30-7-3 is a fourth-degree felony (carrying in a liquor establishment).

As noted in the Fiscal Implications, increasing the number of people who are carrying concealed firearms is likely to result in an increase in gun violence. Any increase in charges of felonies involving the use and not just possession of a firearm would likely have a disparate impact on communities of color.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Reviewer is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill, analyst is unaware if it has been drawn pursuant to a special message of the Governor, and it was not vetoed following the previous regular session

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS