

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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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:** HB 78

**Sponsor:** Block  
**Short Title:** Permitless Firearm Carrying

**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)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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:

HB 78 would make several changes to the Criminal Code related to firearms. Those changes are:

- HB 78 would add a new section to Chapter 30, Article 7, entitled “Permitless Carry”, to expressly allow any person 18 or older to carry a loaded firearm, openly or concealed, so long as they are not prohibited from doing so by a federal or state law or a court order;
- HB 78 would amend Section 30-7-1 NMSA 1978 to exempt firearms from the definition of “carrying a deadly weapon”;
- HB 78 would amend Section 30-7-2 NMSA 1978 to remove carrying a “concealed loaded firearm” from the definition of “unlawful carrying of a deadly weapon”;
- HB 78 would amend Section 30-7-13 NMSA 1978 to strike “firearm or other” immediately before the words “deadly weapon”; and
- HB 78 would repeal the following sections from the Criminal Code:
  - o Section 30-7-2.2 NMSA 1978: “Unlawful possession of a handgun by a person; exceptions; penalty”, which prohibits people 18 and younger from knowingly having or transporting a handgun unless an exception applies.
  - o Section 30-7-2.3 NMSA 1978: “Seizure and forfeiture of a handgun possessed or transported by a person in violation of unlawful possession of a handgun by a person”, which allows law enforcement agencies to seize handguns unlawfully transported or possessed by a person 18 or younger pursuant to Section 30-7.2.2.
  - o Section 30-7-2.4 NMSA 1978: “Unlawful carrying of a firearm on university premises; notice; penalty”, which prohibits carrying a firearm on university premises unless an exception applies, and requires universities to post notices that state that it is unlawful to carry a firearm on university premises.
  - o Section 30-7-3 NMSA 1978: “Unlawful carrying of a firearm in licensed liquor establishments”, which prohibits carrying a firearm in establishments that are licensed to serve alcoholic beverages on the premises unless an exception applies.

**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/>.)

Firearm-related injury is the leading cause of death in people 0 to 24 years of age in the United States, and firearm homicides disproportionately affect younger people. See, e.g., “Current Causes of Death in Children and Adolescents in the United States” published in the New England Journal of Medicine, May 2022, available here: <https://www.nejm.org/doi/full/10.1056/NEJMc2201761>.

While HB 78’s “Permitless Carry” Section would only expressly permit people 18 and older to carry firearms, its repeal of Section 30-7-2.2 NMSA 1978 would legalize handgun possession for people 17 and younger, and its repeal of Section 30-7-2.3 would prohibit law enforcement agencies from lawfully seizing handguns possessed or carried by people 17 and younger.

According to the Rand Corporation’s Gun Policy in America initiative, which analyzes research evidence on the effects of gun policies in the United States, “[t]here is now supportive evidence that . . . shall-issue concealed-carry laws . . . increase levels of firearm violence.” (See “Evidence About Effects of Gun Policies Grows and Supports Laws Intended to Restrict Child Access to Guns” available here: <https://www.rand.org/news/press/2023/01/10.html>.) Shall-issue concealed-carry laws are more restrictive than the “permitless” concealed carry law proposed in HB 78; New Mexico is currently a shall-issue state.

The American Academy of Pediatrics also supports stronger gun laws to limit firearm availability, particularly to youth: “Greater firearm availability is associated with increased risks of firearm suicide and unintentional deaths in youth 0 to 24 years of age. Increased state-level firearm household ownership and prevalence has been associated with higher state-level rates of firearm suicides, homicide, and unintentional deaths in children 5 to 14 years of age. Stronger state-level legislation is associated with lower state-level firearm prevalence and access and decreased firearm deaths in children and youth.” (See “Firearm-Related Injuries and Deaths in Children and Youth: Injury Prevention and Harm Reduction” by the American Academy of Pediatrics, citations omitted, available here: <https://publications.aap.org/pediatrics/article/150/6/e2022060070/189686/Firearm-Related-Injuries-and-Deaths-in-Children?autologincheck=redirected>.)

Advocates of stronger concealed carry laws cite studies indicating that more people carry guns in public in states with more permissive concealed carry laws, and that higher levels of violent crime, including homicide, occur when more people carry guns in public. See, e.g., “Concealed Carry” published by the Giffords Law Center, available at: <https://giffords.org/lawcenter/gun-laws/policy-areas/guns-in-public/concealed-carry/>.

## **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**