

LFC Requestor: Self Assigned

2024 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 78

Type: Introduced

Date (of THIS analysis): 1/17/24

Sponsor(s): [John Block](#)

Short Title: PERMITLESS FIREARM CARRYING

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 24	FY 25		
\$0	\$0	n/a	n/a

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 24	FY 25	FY 26		
\$0	\$0	n/a	n/a	n/a

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 24	FY 25	FY 26	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	n/a	n/a

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: [2024 HB0058](#)

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 78 (HB0078) proposes to legalize permit less carrying of a firearm by adults by:

- Repealing Sections 30-7-2.2 through 30-7-3 NMSA 1978 (being Laws 1994, Chapter 22, Sections 2 & 3, Laws 2003, Chapter 253, Section 1 & Laws 1975, Chapter 149, Section 1, as amended); and
- Creating a new section of Chapter 30, Article 7 NMSA 1978 that allows the open or concealed carry of a loaded firearm for individuals 18 and older who are not prohibited from possessing or owning a firearm by federal or state law or a court order.

Is there an emergency clause? Yes No

b) Significant Issues

Firearm deaths in New Mexico

- In 2022, New Mexico had the third highest age-adjusted rate of firearm involved death among all states in the United States (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the United States (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
- In 2022, the age adjusted firearm death rate in New Mexico was 26.5 deaths per 100,000 residents, which was the second highest rate in New Mexico since 1999 (Unpublished data, New Mexico Bureau of Vital Records and Health Statistics [[NM BVRHS](#)]).

- The age adjusted firearm death rate in New Mexico decreased by 1.9% between 2021 and 2022 (from 27.0 to 26.5 deaths per 100,000 residents), but increased by 17.3% between 2020 and 2022 (from 22.6 to 26.5 deaths per 100,000 residents) (Unpublished data, [NM BVRHS](#)).
- In 2022, there were 550 firearm-related deaths in New Mexico that included 214 homicides, which represents 38.9% of all firearm deaths in New Mexico (Unpublished data, [NM BVRHS](#)).
- In 2022, 77.0% (or 214 out of 278) of homicides involved a firearm (Unpublished data, [NM BVRHS](#)).
- The New Mexico Violent Death Reporting System (NMVDRS) recorded 56 homicide related incidents involving more than two victims between 2015-2019. Over 90% (n=53) of these incidents involved a firearm (<https://www.cdc.gov/nchs/pressroom/states/newmexico/nm.htm>).
- Nearly eight out of ten homicides committed in 2020 involved a firearm and firearms have become the leading cause of death for children and adolescents in America ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).
 - In New Mexico, there have been 140 firearm deaths among children aged 0 – 18 between 2016 and 2020, which include 68 suicide deaths and 64 homicide deaths (<https://wonder.cdc.gov/Deaths-by-Underlying-Cause.html>).

Comparing States with versus without Permit-less Firearm Carry Laws

In 2023, there were 25 states that have permit less firearm carry laws. A study done by John Hopkins Bloomberg School of Public Health (<https://hub.jhu.edu/2022/09/21/increase-firearm-assaults-with-relaxed-conceal-carry/>) found that:

- Less restrictive concealed carry [of firearms] laws increased the rate of assaults with firearms (12.75 per 100,000) by 24% when individuals convicted of violent misdemeanors were eligible to obtain concealed-carry licenses.
- The rate of assaults with firearms increased an average of 9.5% relative to forecasted trends in the first 10 years after 34 states relaxed restrictions on civilians carrying concealed firearms in public.
 - More specifically, states that relaxed their laws without including one or more of three provisions (1. live-firearm training; 2. discretion to deny a permit if an applicant is unstable or immoral; and 3. discretion to deny a permit if an applicant has a history of violence and/or a history of other violent misdemeanor convictions) had an average increase of 10.26 gun assaults per 100,000 population annually (a 21.6% increase) and an additional 1.44 per 100,000 gun homicides (a 34.9% increase) per year compared to their forecasted trends.
 - For states that did not require live-firearm training, the average rate of gun assaults increased to 8.28 per 100,000 people (an 18.3% increase).

Zeoli et al. (2022) described background checks and licensing laws as a key component of evidence-based gun policy that enabled states to screen for high-risk individuals from purchasing guns ([Effectiveness of Firearm Restriction, Background Checks, and Licensing Laws in Reducing Gun Violence - April M. Zeoli, Alexander D. Mccourt, Jennifer K. Paruk, 2022 \(sagepub.com\)](#)).

- Lundstrom et al. (2023) examined the impact of changes in (permit less) concealed firearm carrying laws in West Virginia, which was implemented in May 2016, by comparing firearm deaths in 1999-2015 and 2016-2020 (<https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2023.307382?download=true>). Key findings were:
 - Firearm mortality increased by 29% after the law was implemented.
 - Handgun mortality increased by 48% after the law was implemented.
- Similarly, Siegel et al. (2017) examined the impact of more restrictive (“may issue laws”) and less restrictive (“shall issue laws”) state laws for concealed carry permits for firearms on homicide rates in all 50 states during a 25 year time period (from 1991-2015) (<https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2017.304057?download=true>). Key findings were that states with less restrictive (more permissive) laws for concealed carry permits had:
 - 6.5% higher total homicide rates
 - 8.6% higher firearm homicide rates
 - 10.6% higher handgun homicide rates
- Doucette et al. (2022) used data from the Gun Violence Archive (from 2014-2020) to examine the impact of relaxed concealed carry permitting laws [for firearms] on officer involved shootings. Their key finding was that:
 - States with permit less concealed carry laws had a 12.9% increase in officer involved shootings
 - States with more lax laws for concealed carry (permit less carry) may have higher rates of officer involved shootings since officers may: (a) be more likely to encounter citizens who carry concealed firearms; and/or (b) have higher perceived threat of danger from citizens (who are more likely to carry a firearm)

In 2023, legislation on PERMITLESS CARRY OF FIREARMS ([HB0164 in the 2023 Regular Session](#)) was introduced. The bill was referred to the House Consumer & Public Action Committee (HCPAC) and the House Judiciary Committee (HJC), but the Action was Postponed Indefinitely.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No

 Goal 1: We expand equitable access to services for all New Mexicans

- Goal 2:** We ensure safety in New Mexico healthcare environments
- Goal 3:** We improve health status for all New Mexicans
- Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP:

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

**There is no definition of a firearm.

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

HB0078 would require changes to the criminal code including:

- The repeal of Sections 30-7-2.2 through 30-7-3 NMSA 1978 (being Laws 1994, Chapter 22, Sections 2 & 3, Laws 2003, Chapter 253, Section 1 & Laws 1975, Chapter 149, Section 1, as amended); and

- The creation of a new section of Chapter 30, Article 7 NMSA 1978 that allows the open or concealed carry of a loaded firearm for individuals 18 and older who are not prohibited from possessing or owning a firearm by federal or state law or a court order.

8. DISPARITIES ISSUES

- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the U.S. (under 19 years old). In 2021, firearms has remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
 - Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in New Mexico, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
- In 2022, American Indian and Alaska Natives (AI/AN) residents in New Mexico were 21% more likely (30.6 deaths per 100,000 residents, age adjusted) to be killed with a firearm compared to White residents (25.2 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, Asian and Pacific Islanders (API) and AI/AN residents were almost three times more likely (API: 16.9 deaths per 100,000 residents; AI/AN: 17.1 deaths per 100,000 residents, age adjusted) to die in a homicide involving a firearm compared to White residents (6.3 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, Hispanic and Black residents were almost two times more likely (Hispanic: 12.6 deaths per 100,000 residents; Black: 11.1 deaths per 100,000 residents, age adjusted) to be killed in a homicide involving a firearm compared to White residents (6.3 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, Black or African American residents in New Mexico were 49% more likely (42.7 deaths per 100,000 persons) to have a firearm involved death than White residents (28.7 deaths per 100,000 persons) (Unpublished data, [NM BVRHS](#)).
- In 2022, *males in New Mexico were nearly five times more likely* (44.2 deaths per 100,000 residents, age adjusted) to have a firearm-involved death than females (9.0 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).

9. HEALTH IMPACT(S)

- Nearly eight out of ten homicides committed in 2020 involved a firearm and firearms have become the leading cause of death for children and adolescents in America ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).
 - In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the U.S. (under 19 years old). In 2021, firearms has remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).

- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in New Mexico, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
- In 2022, New Mexico had the third highest age-adjusted firearm death rate among all states in the United States (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the United States rate (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
- In 2022, firearm involved death would be the *10th leading cause of death in New Mexico* with more deaths than nutritional deficiencies and influenza and pneumonia ([CDC Wonder - Underlying Cause of Death Form](#) – Data queried and prepared by NMDOH – ERD on 1.11.2024).
- Between 2012 and 2022, the age-adjusted firearm death rate in New Mexico increased by 75% (from 15.1 deaths per 100,000 residents in 2012 to 26.5 deaths per 100,000 residents in 2022) (Unpublished data, [NM BVRHS](#)).
- Between 2020 and 2022, the age-adjusted rate of firearm death increased by 17% (from 22.6 to 26.5 deaths per 100,000 residents) with 69 more deaths than in 2020. However, there was a 2% decrease in the rate from 2021 to 2022 (from 27.0 to 26.5 deaths per 100,000 residents) with 12 fewer deaths in 2022 (Unpublished data, [NM BVRHS](#)).

10. ALTERNATIVES: None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If House Bill 78 (HB0078) is not enacted, then it will be illegal for adults to carry a firearm without a permit.

12. AMENDMENTS

None