

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
-----------------------	----------------------

**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** 1/17/2024  
**Bill No:** HB78

**Sponsor:** John Block  
**Short Title:** Open Season for Concealed Loaded Firearm

**Agency Name and Code Number:** 770 - NMCD  
**Person Writing:** Anisa Griego-Quintana  
**Phone:** 505-479-2296    **Email:** anisa.griego-quinta@cd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	N/A	N/A

(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>	0	Moderate	Moderate	Moderate	Recurring	General

(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: House Bill 78 would amend the Criminal Code to decriminalize carrying of a concealed loaded firearm. Adds a new section affirmatively stating that a person aged 18 or older may carry an open or concealed loaded firearm on their person, unless the person is prohibited by federal or state law or court order from possessing or carrying a firearm.

Retains the crimes of unlawful carrying of a deadly weapon on premises of a university (petty misdemeanor) or school (fourth-degree felony).

Repeals the misdemeanor crime of unlawful possession of a handgun (Sec. 30-7-2.2); authorization for law enforcement to seize an illegally possessed handgun (Sec. 30-7-2.3); and the fourth-degree felony of unlawful carrying of a firearm in licensed liquor establishments (Sec. 30-7-3).

**FISCAL IMPLICATIONS**

Eliminating the permit requirement could lead to a higher number of individuals carrying firearms, potentially resulting in an increase in violent incidents involving firearms. No permits would be needed in order for the person to carry a firearm, whether openly or concealed on his/her person. Having a handgun at the ready could cause more people to commit violent crimes, which has the potential to increase the New Mexico Corrections Department's prison population.

**SIGNIFICANT ISSUES**

The effect of repealing NMSA 30-7-2.2 would likely impact the NMCD. The statute currently prohibits an individual under 19 years of age from possessing a handgun unless they are participating in a hunter safety class, participating in a lawful shooting activity, engaging in an organized competition involving the use of a handgun, engaged in hunting or trapping activities, traveling, or on real property under the control of the person's parent/grandparent/legal guardian. The bill, if passed, would allow a new group of people, 18-year-olds, to carry a firearm on their person, thereby providing many more opportunities for them to commit firearms-based crimes, which has the potential to increase the NMCD prison population.

The effect of repealing NMSA 30-7-3 would also likely impact the NMCD. This statute

currently prohibits an individual from “unlawful carrying of a firearm in an establishment licensed to dispense alcoholic beverages.” Clearly, the legislative intent of this statute was to prevent bar patrons from escalating their intoxicated arguments into armed shootouts. Repealing this statute would have an obvious effect on the NMCD, as armed shootouts frequently result in grave injuries or fatalities, the commission of which are likely to land the perpetrator in the NMCD prison system, thereby increasing the NMCD prison population.

#### **PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

#### **ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None for the Corrections Department.

#### **TECHNICAL ISSUES**

None for the Corrections Department.

#### **OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

#### **ALTERNATIVES**

None proposed by the Corrections Department.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

#### **AMENDMENTS**

None proposed by the Corrections Department.