

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 19, 2024
Bill No: HB 127

Sponsor: Szczepanski
Short Title: Age 21 For Firearm Purchases

Agency Name and Code Number: NM Sentencing Commission – 354
Person Writing: Keri Thiel
Phone: 505-259-8763 **Email:** kthiel@unm.edu

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:

HB 127 would enact a new Section 30-7-2.5 NMSA 1978 making it unlawful for any person under the age of 21 to purchase an automatic or semiautomatic firearm. It would also make it unlawful for any person under the age of 21 to possess an automatic or semiautomatic firearm unless the person is doing so while attending a firearm safety course; engaging in target shooting at an established authorized range; engaging in an organized competition involving the use of an automatic or semiautomatic firearm; participating in or practicing for a performance by a tax-exempt organization; engaging in legal hunting or trapping activities; traveling to or from any of the aforementioned activities, provided that the firearm is stored in a locked container in the person’s possession; or on the private property of the person’s parent, grandparent, or legal guardian and under their supervision. The bill would also make it unlawful for a person under the age of 21 to purchase or possess a large-capacity ammunition feeding device.

The bill provides exceptions for law enforcement, members of the armed forces or National Guard, and licensed security officers.

HB 127 would also make it unlawful to knowingly sell or transfer ownership of an automatic firearm, semiautomatic firearm, or large-capacity ammunition feeding device to a person under the age of 21 who would be prohibited from purchasing it under the provisions of the bill.

Any violation of the provisions of the proposed Section 30-7-2.5 would be punishable as a misdemeanor.

The bill provides definitions for “automatic firearm,” “firearm,” “large-capacity ammunition feeding device,” and “semiautomatic firearm”. It also contains a severability clause, which would preserve the remainder of the enacted bill if any part or application of it was held to be invalid.

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

It is likely that a prohibition on individuals under age 21 purchasing or possessing automatic or semiautomatic firearms would be challenged under the Second Amendment of the U.S. Constitution. Federal courts have been split on whether age-based restrictions are a violation of the Second Amendment since the U.S. Supreme Court’s decision in *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. ____ (2022). See, e.g., “Fact Check: Are Age Restrictions on Assault Rifle Purchases 'Unconstitutional?'”, available at: <https://www.wral.com/fact-check-are-age-restrictions-on-assault-rifle-purchases-unconstitutional/20488596/>. The Court in *Bruen* held that “to justify a firearm regulation the government must demonstrate that the regulation is consistent with the Nation’s historical tradition of firearm regulation”. (Opinion available here: https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf.) The matter of age-based restrictions has not yet been heard by the U.S. Supreme Court.

However, age-based restrictions have long been a popular means of regulating who may purchase or possess firearms, and age-based restrictions remain in place in nearly every state. See “Minimum Age to Purchase and Possess”, available at <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/minimum-age/>.

Advocates of age-based restrictions point out that the brain continues to develop into the mid-twenties, and that executive functions like impulse control are the last to fully develop. They argue that incomplete brain development and higher impulsivity is a driver of higher gun violence risk among 18- to 20-year-olds and that age-based restrictions may reduce that risk. See “Brain Changes” by the Young Adult Development Project at the Massachusetts Institute of Technology, available at: <https://hr.mit.edu/static/worklife/youngadult/brain.html>.

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