

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 Jan. 22, 2024

Bill No: HB 137-280

Sponsor: Andrea Romero and Charlotte Little
Agency Name and Code: LOPD 280
Number: _____
Short Title: Gas-Operated Semiauto Firearms Exclusion ACT
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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)

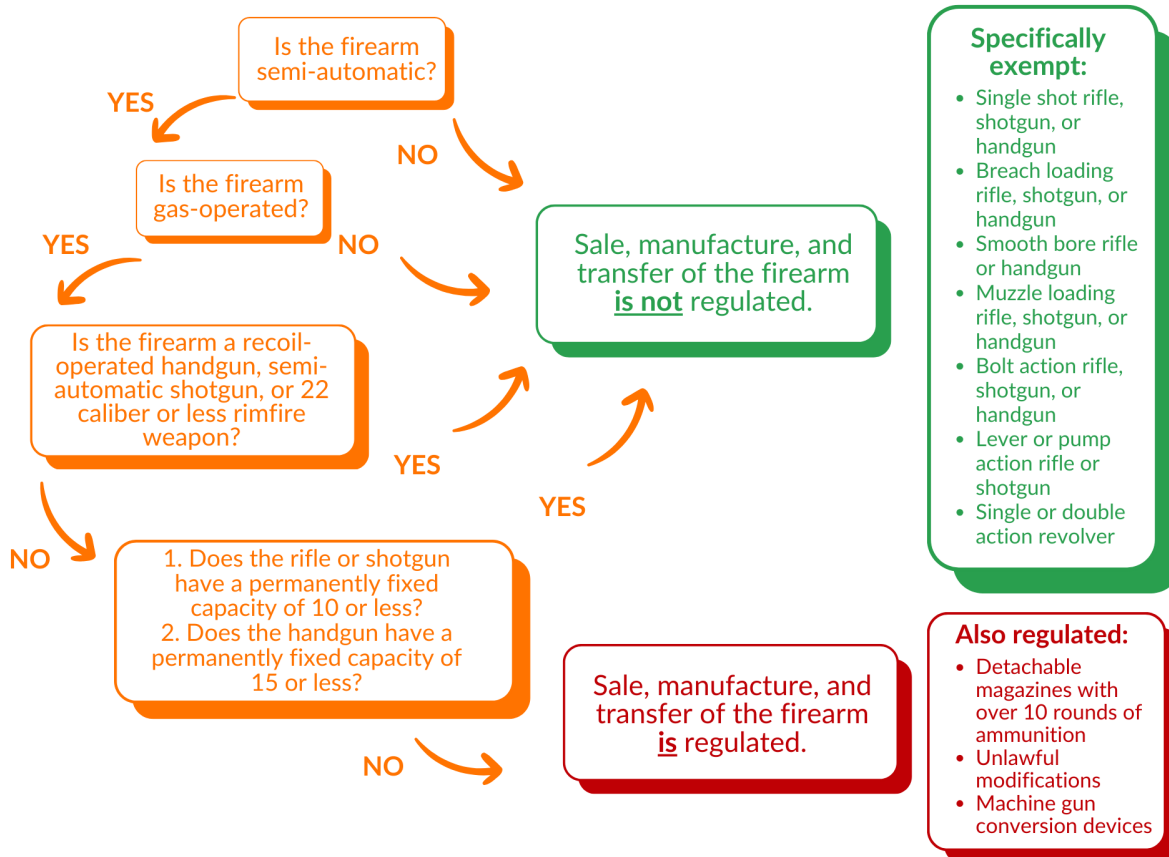
Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

This bill appears to be virtually identical to proposed federal legislation, often referred to as the GOSAFE act. See <https://www.heinrich.senate.gov/gosafe> for an explanation, including the following flow chart:



The legislation purports to take a “new” approach to gun regulation by regulating based on the method of reloading a semi-automatic weapon. Specifically, if the weapon is a “gas regulated” semi-automatic firearm, then it is probably regulated by the bill (there are exceptions). Gas-operated generally means:

“In gas-operation, a portion of high-pressure gas from the cartridge being fired is used to power a mechanism to dispose of the spent case and insert a new cartridge into the chamber. Energy from the gas is harnessed through either a port in the barrel or a trap at the muzzle. This high-pressure gas impinges on a surface such as a piston head to provide motion for unlocking of the action, extraction of the spent case, ejection, cocking of the hammer or striker, chambering of a fresh cartridge, and locking of the action.” https://en.wikipedia.org/wiki/Gas-operated_reloading

The bill also regulates certain “high capacity” (more than 10 rounds) magazines.

If enacted, the bill would prohibit a wide swath of semi-automatic weapons currently in use in the U.S. (such as the AR-15 rifle), even “virtually every type of semi-automatic rifle and many AR-type pistols” according to critics. <https://www.themeateater.com/hunt/firearm-hunting/this-bill-would-ban-most-semi-automatic-rifles-in-the-u-s>

FISCAL IMPLICATIONS

Fiscal implications cannot be predicted with any certainty. Calculations of public defender impact would depend on the frequency with which the enacted statute would be violated, which is hard to predict. Given widespread non-compliance should the bill be enacted (even ‘civil disobedience’), there is potentially a substantial, but unquantifiable, increase in public defender workload and concomitant expenses.

SIGNIFICANT ISSUES

Analyst is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill and analyst is unaware that it has been drawn pursuant to a special message of the Governor.

This bill, if enacted, would almost certainly face legal challenges, including challenges to the constitutionality of the entirety of the bill as well as of specific aspects of the bill. For example, critics of the federal analog of this bill “argue that the bill is unconstitutional because it would ban an entire class of firearms that are in common use, which the Supreme Court rejected in *District of Columbia v. Heller*.” <https://www.themeateater.com/hunt/firearm-hunting/this-bill-would-ban-most-semi-automatic-rifles-in-the-u-s>

Firearm rights are a very contentious and heavily litigated area of law. The precise legal limits of such regulation are currently uncertain (particularly rights under the New Mexico state constitution), making predictions about the constitutionality of the bill difficult.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The status quo.

AMENDMENTS

None.