

LFC Requester:	Austin Davidson
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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 1/19/2024
Bill No: HB 137

Sponsor: Andrea Romero, Charlotte Little **Agency Name and Code Number:** 770 - NMCD
Short Title: Gas-operated Semiauto Firearms Exclusion Act **Person Writing:** Brittany Roembach
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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)

	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 137 is cited as the Gas-Operated Semiautomatic Firearms Exclusion Act and inspired by similar legislation at the federal level, HB 137 introduces the measure at the state level — seeking to outlaw semi-automatic assault weapons and large-capacity magazines in an effort to curb gun violence while carving out exemptions for semi-automatic handguns, shotguns and other popular firearms (exemptions for U.S. or any of its departments or agencies, a state or an Indian nation, tribe or pueblo or a department, an agency or a political subdivision; lawfully certified with process established by AG, and in certain other circumstances).

The bill achieves this by making it illegal to import, manufacture, transfer, receive or possess all gas-operated semi-automatic firearms except for those specifically exempted in the legislation (e.g., handguns capable of holding no more than 15 rounds of ammunition and rifles that have a permanently fixed capacity of no more than 10 rounds of ammunition).

The bill prohibits large-capacity clips for firearms — defined as more than 10 rounds for handguns, rifles and shotguns — and devices that increase the rate of fire of a firearm or approximate the rate of fire of a machine gun (there are devices such as a “bump stock,” which allows semi-automatic firearms to fire at the rate of a fully-automatic machine gun). It also prohibits machine gun and machine gun attachments and requires the Attorney General to enforce the provisions of the bill and certification of semi-automatic firearms.

Similar legislation was applauded by gun safety proponents at the federal level but was criticized by the National Rifle Association, which argued that it could potentially ban all semi-automatic weapons, including handguns, despite the bill’s specific exemption for such firearms.

No later than Oct. 1, 2024, the Attorney General would need to create a system for certifying gas-operated semi-automatic firearms. The bill contains several specific requirements the certification should include.

In summary, beginning January 1, 2025, it is unlawful to import, sell, manufacture, transfer or receive any of the following firearms, devices, or combinations of parts (bill provides numerous exclusions for each type of device):

GAS-OPERATED SEMIAUTOMTIC FIREARMS

- (1) a firearm that is included on the list of prohibited gas-operated semiautomatic firearms identified by the attorney general;
- (2) a modified non-prohibited firearm that, as modified, operates as a firearm included on the list of prohibited gas-operated semiautomatic firearms identified by the attorney general;
- (3) a combination of parts that is designed and functions to modify an otherwise non-prohibited firearm so that the firearm, as modified, operates as a gas-operated semiautomatic firearm included on the list of prohibited gas-operated semiautomatic firearms identified by the attorney general;
- (4) a combination of parts that is designed to be assembled into a firearm that operates as a firearm included on the list of prohibited gas-operated semiautomatic firearms identified by the attorney general; or
- (5) a combination of parts that functions to produce a gas-operated semiautomatic cycling action.

LARGE-CAPACITY AMMUNITION FEEDING DEVICES

Under the act, on or after July 1, 2024, it is unlawful for any person to:

- (1) import, sell, manufacture, transfer or receive a large-capacity ammunition feeding device;
- or (2) possess a large-capacity ammunition feeding device manufactured after July 1, 2024.

It is unlawful for any person who owns or possesses a large-capacity ammunition feeding device that was manufactured and purchased or transferred before July 1, 2024, to transfer a large-capacity ammunition feeding device after July 1, 2024.

MACHINE GUNS AND MACHINE GUN ATTACHMENTS

Beginning July 1, 2024, it is unlawful for any person to import, sell, manufacture, transfer, receive or possess a machine gun or machine gun attachment.

DEPARTMENT OF PUBLIC SAFETY plays a significant role in implementation of the act which requires that: (1) each licensed firearms dealer “record purchaser acknowledgment of the list published” before any sale of a firearm that is not prohibited under that list; (2) before removing any gas-operated semiautomatic firearm from the list required under Subsection A, submit to the AG clear and convincing evidence that the firearm should be removed from the list; and (3) advise the AG on carrying out the authority described in Subsection A.

By December 1, 2024, the AG, in consultation with DPS, shall publish on The Ag’s website the manner in which a large-capacity ammunition feeding device shall be marked and the manner in which gas-operated semiautomatic firearms shall be marked.

FISCAL IMPLICATIONS

None for the Corrections Department.

SIGNIFICANT ISSUES

None for the Corrections Department.

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 for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None for the Corrections Department.