

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 23, 2024

Bill No: HB 168

Sponsor: Jones
Short Title: No Firearms for Undocumented Persons

Agency Name and Code NM Sentencing Commission (354)
Number: _____
Person Writing Douglas Carver
Phone: 505-239-8362 **Email** dhmcarver@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 168 amends Section 30-7-16, concerning transportation or possession of firearms or destructive devices by certain persons, by adding “undocumented person” to the list of people for whom it is unlawful to receive, transport or possess a firearm or destructive device in the state. The penalty is a misdemeanor. "Undocumented person" is defined as “an individual not legally present in the United States at the time of receiving, transporting or possessing a firearm or destructive device.”

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

Under Federal law (18 USC 922(g)(5)), it is already illegal for someone who is not in the United States legally to possess a firearm. This statute has been challenged in Federal courts since the US Supreme Court’s 2022 decision *New York State Rifle & Pistol Association Inc. v. Bruen*, which has upended a number of what had been believed to be settled law concerning possession of firearms. There have been 16 legal challenges to this statute since the *Bruen* decision – in December of 2023, a Federal court held for the first time that the law is unconstitutional. Appeals to that decision are pending. (See the summary of these cases in Poggio, “For Immigrants, Gun Rights Debate Goes Beyond Firearms”, Law360 (Jan. 2023) available at: <https://www.law360.com/articles/1737887/for-immigrants-gun-rights-debate-goes-beyond-firearms>.)

Certain states (Indiana, Washington) have similar prohibitions in their statutes.

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