

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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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 31, 2024  
**Bill No:** HB 129s

**Sponsor:** Romero  
**Short Title:** Firearm Sale Waiting Period Crimes

**Agency Name and Code Number:** NM Sentencing Commission – 354  
**Person Writing:** Keri Thiel  
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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)**

	<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>						

(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:

Like HB 129, the HJC substitute for HB 129 proposes a new Section 30-7-7.3 NMSA 1978 to create the offense of selling a firearm before the end of a required waiting period. The required waiting period would be fourteen (14) calendar days (instead of business days, as proposed in the original bill) and would be required for all firearm sales and transfers unless an exception applies. The substitute bill creates an exception for the sale of a firearm between immediate family members, and eliminates the requirement set out in the original bill that those family members be within three degrees of consanguinity.

Like the original HB 129, the substitute bill specifies that the required waiting period would run concurrently with the period necessary to conduct a federal instant background check as required by Section 30-7-7.1 NMSA 1978, and provides that sellers must wait for the background check to be completed before transferring the firearm to the buyer even if the required waiting period has expired.

HB 129s further requires that the firearm shall remain in the custody of the seller during the required waiting period, and defines the unlawful sale of a firearm under the new Section 30-7-7.3 as the transfer of ownership, possession, or physical control of the firearm from the seller to the buyer before the end of the required waiting period or completion of the federal instant background check, if required. Unlike the original bill, HB 129s provides an exception for “temporary possession or control of a firearm provided to a customer by the proprietor of a licensed business in the conduct of that business”.

HB 129s keeps the following provisions from the original bill unaltered: it requires sellers to make records of sales available for inspection upon request of a law enforcement agency; it allows for each party to the unlawful sale of a firearm to be charged separately for the same sale, and for separate offenses to be brought for each separate firearm sold or transferred contrary to the provisions of the new Section 30-7-7.3; and it allows for two or more offenses under Section 30-7-7.3 to be charged under the same complaint, information, or indictment, and be punished as separate offenses. As in the original bill, violations of Section 30-7.7.3 would be a misdemeanor.

The HJC substitute for HB 129 adds definitions for “firearm” and “immediate family member”. These definitions match those provided in existing law under Section 30-7-7.1 NMSA 1978.

## **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**

The HJC substitute for HB 129 resolves the concerns expressed in NMSC's analysis of HB 129 regarding the discrepancy between HB 129's definition of "immediate family member" and the definition of "immediate family member" provided in Section 30-7-7.1 NMSA 1978.

The HJC substitute for HB 297 does otherwise change the NMSC analysis for this bill.

## **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**