

<b>LFC Requester:</b>	<b>EMILY HILLA</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**Analysis.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** 22JAN2024

**Bill No:** SB 5

<b>Sponsor:</b> <u>Peter Wirth, Reena Szczepanski</u>	<b>Agency Name and Code</b> <u>790 Department of Public Safety</u>
<b>Short Title:</b> <u>Firearms Near Polling Places</u>	<b>Number:</b> _____
	<b>Person Writing</b> <u>KELLY MILLER</u>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A

(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>	NFI	NFI	NFI	N/A	N/A	N/A

(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**

SB 5 prohibits possession of a loaded or unloaded firearm within 100 feet of the entrance to a polling place on election day or within 50 feet of a postal collection box or monitored secured container. The prohibition does not apply to (1) security personnel authorized by an appropriate municipal or county election official or (2) a certified law enforcement officer in the performance of official duties. The penalty for possessing a firearm in a polling place is a petty misdemeanor.

The bill also clarifies that a person conducting lawful, non-election-related business within these boundaries is not guilty of unlawful possession of a firearm at a polling place. This fixes a critical issue that was raised in the 2023 version of the bill.

**FISCAL IMPLICATIONS**

No fiscal implications to DPS.

**SIGNIFICANT ISSUES**

No significant issues to DPS.

**PERFORMANCE IMPLICATIONS**

No performance implications to DPS, but the agency believes this will help ensure a safe environment for all citizens to carry out their constitutionally protected right to vote. With more guns and more political polarization and violence, states need strong laws to limit the risk and intimidation that firearms pose for voters. This bill also comports with the Second Amendment, as the United States Supreme Court recognized in *Bruen* that prohibitions on guns in “sensitive places” — and specifically in “polling places” — were “presumptively lawful.”

**ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship or relationship to DPS.

**TECHNICAL ISSUES**

How is “certified law enforcement officer” defined?

**OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

**ALTERNATIVES**

Not applicable as no impact to DPS.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

None at this time.