

LFC Requester: Scott Sanchez

**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 X **Amendment** _____
Correction _____ **Substitute** _____

Date 30JAN2024
Bill No: SB 69

Sponsor: Senator Joseph Cervantes
Short 14 DAY SALE WAITING
Title: PERIOD

Agency Name and Code 790-Department of Public Safety
Number: _____
Person Writing Joan M. Waters
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI		

(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	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to 2024 HB 129, 2023 SB 427
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

SB 69 creates a fourteen business day waiting period between the initiation of the federal instant background check required for the sale and transfer of a firearm to a buyer.

SB 69 also creates the misdemeanor crime of unlawful sale of a firearm before the required waiting period ends. The crime is proven by transfer of ownership, possession or physical control of the firearm prior to the expiration of the waiting period. The bill further provides each firearm sold in violation of this bill constitutes a separate offense.

EXEMPTIONS.

- Sale to a buyer with a valid federal firearms license
- Sale to a buyer with a valid New Mexico concealed carry license
- Sale to a law enforcement agency
- Sale between two law enforcement officers authorized to carry a firearm and certified by federal law or the Law Enforcement Training Act
- Sale between immediate family members to the third degree of consanguinity.

Each party to an unlawful sale may be charged separately for the same sale. Each firearm sold contrary to these provisions constitutes a separate offense.

FISCAL IMPLICATIONS

None for DPS

SIGNIFICANT ISSUES

Based on available research, DPS believes that the creation of a fourteen business day waiting period between the initiation of a federal criminal background check on a prospective firearm purchaser, and the purchase itself, can enhance public safety by reducing the number of deaths from both suicide and homicide. According to Every Town for Gun Safety:

While 90% of firearm suicide attempts end in death, only 4% of all other attempts end in death. Research suggests that reducing suicide attempts by guns can result in a 20% to 38% overall decline in suicide.

everytownresearch.org/rankings/law/waiting-periods/ (downloaded January 30, 2024). According to the Proceedings of the National Academy of Sciences for the United States of America

["PNAS"] which studied the effects of the federally imposed waiting period under the Brady Act in 1994-1998:

We find that waiting periods led to large and statistically significant reductions in gun violence . . . during the Brady interim period. Specifically, the results of . . . show that waiting periods implemented during the Brady interim years resulted in a 17% reduction in gun homicides. This is equivalent to roughly 39 fewer homicides per year for the average state.

There may be a need to define what it means to "initiate" a NICS check.

PERFORMANCE IMPLICATIONS

None to DPS.

ADMINISTRATIVE IMPLICATIONS

None to DPS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Differs from HB 129, which also requires a fourteen business day waiting period, insofar as the waiting period in SB 69 begins with initiation of the NICS background check, whereas HB 129 just "includes" the time in which to conduct the NICS check. SB 69 also differs from HB 129 in that the firearm may be transferred at the end of the SB 69 waiting period even if the NICS check is not complete. HB 129 would continue the waiting period, if at the end of fourteen days, the NICS check were not complete.

TECHNICAL ISSUES

None to DPS.

OTHER SUBSTANTIVE ISSUES

None to DPS.

ALTERNATIVES

See HB 129

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The status quo will remain.

AMENDMENTS

None proposed.