

**2024 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate

Category: Bill

Number: 204

Type: Introduced

Date (of THIS analysis): 1/29/24

Sponsor(s): Daniel A. Ivey-Soto

Short Title: Firearms On Playgrounds

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 24	FY 25		
\$0	\$0	n/a	n/a

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 24	FY 25	FY 26		
\$0	\$0	\$0	n/a	n/a

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 24	FY 25	FY 26	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	n/a	n/a

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: [2024 SB0005](#) Firearms Near Polling Places

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 204 (SB0204) proposes the creation of a fourth-degree felony for unlawful carrying of a firearm in a park or playground (with exceptions for peace officers, licensed security officers authorized to carry a firearm under the Private Investigations Act, or members of the armed services or reserves of the U.S. or New Mexico national guard while performing official duties).

Senate Bill 204 also includes definitions for:

- A “park,” which is defined as a public outdoor recreation area owned or managed by a municipality or county including the adjoining parking lot, but excluding outdoor recreational areas that are shooting ranges
- A “playground,” which is a public outdoor recreation facility (with swing sets, slides, climbing structures, or other play stations for children) including the adjoining parking lot
- A “firearm,” which is a weapon designed to (or can easily be converted to) expel a projectile by the action of an explosion including a handgun, rifle, or shotgun

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Child firearm deaths in New Mexico

- Firearm and firearms have become the leading cause of death for children and adolescents in America ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).
 - In 2022, firearm injury was the leading cause of death for children (age 1-17) in New Mexico (Unpublished data, New Mexico [NM BVRHS](#)).
 - In 2022, 38% of households with a firearm and a child less than 18 years old in New Mexico have a loaded firearm ([nmhealth.org/publication/view/report/8463/](#))
 - In 2022, 15% of households with a firearm and a child less than 18 years old in New Mexico have a loaded and unlocked firearm ([nmhealth.org/publication/view/report/8463/](#))

- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in New Mexico, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
 - Between 2018 and 2022, child (age 1-17) firearm injury emergency department visits have increased by 73% (from 90 visits in 2018 to 156 visits in 2022) (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
 - Firearm injury emergency department visits increased by 100% for youth age 1-13 (from 23 to 46) and 64% for youth age 14-17 (from 67 in 2018 to 110 in 2022) (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
 - In the past two years (Oct22-Sep23 vs. Oct21-Sep22), males age 1-13 (+18%), females age 1-13 (+20%) and males age 14-17 (+25%) are at increased risk for firearm injury emergency department visits (<https://www.governor.state.nm.us/gun-violence-dashboard/>).

Firearm deaths (all ages) in New Mexico

- In 2022, New Mexico had the third highest age-adjusted rate of firearm involved death among all states in the United States (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the United States (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
- In 2022, the age adjusted firearm death rate in New Mexico was 26.5 deaths per 100,000 residents, which was the second highest rate in New Mexico since 1999 (Unpublished data, New Mexico Bureau of Vital Records and Health Statistics [[NM BVRHS](#)]).
- The age adjusted firearm death rate in New Mexico decreased by 1.9% between 2021 and 2022 (from 27.0 to 26.5 deaths per 100,000 residents), but increased by 17.3% between 2020 and 2022 (from 22.6 to 26.5 deaths per 100,000 residents) (Unpublished data, [NM BVRHS](#)).
- In 2022, there were 550 firearm-related deaths in New Mexico that included 295 suicides, which represents 54% of all firearm deaths in New Mexico (Unpublished data, [NM BVRHS](#)).

Related Research on Restricting Gun Carrying in Schools: Gun-Free Zones

Reeping (2023) conducted one of the first quantitative studies on the impact of gun-free zones on firearm crimes and active shootings. Gun free zones [typically restricted to specific places such as schools] restrict the ability of law abiding citizens to carry a firearms, which can potentially make schools soft target for crime since offenders will know that specific places are restricted by law to allow (legal) defensive gun use (<https://academiccommons.columbia.edu/doi/10.7916/x2ts-k616/download>).

Reeping's (2023) overarching research question was: are gun free zones (e.g., schools) more likely to be targeted for firearm crimes compared to "gun-allowing" zones immediately surrounding the gun free school zones? His key findings included that: (<https://academiccommons.columbia.edu/doi/10.7916/x2ts-k616/download>):

- Gun-free zones in St. Louis, MO in 2019 had 13.4% fewer firearm crimes compared to "gun allowing" zones, which is consistent with a review by Webster et al. (2016) on the

impact of firearm bans on college campuses (<https://crimeresearch.org/wp-content/uploads/2016/10/Guns-On-Campus.pdf>).

Related Research: Gun Violence Outside of School & Safe Storage of Firearms in At-Risk Communities

Ranjan et al (2022) argued that policymakers should take a broader (preventative) public health approach that impacts children exposed to gun violence outside of school (i.e., on their way to and from school) that includes investment in at-risk communities where gun violence is concentrated including community-based harm reduction (<https://www.sciencedirect.com/science/article/pii/S0091743522003292>).

Brunson et al (2022) examined risky firearm behaviors among high-risk gun carriers in New York City by interviewing 51 high-risk male residents of Brooklyn and the Bronx who were prohibited from owning firearms who were victims of gun violence and had at least one other shooting victim in their peer or familial network (<https://pubmed.ncbi.nlm.nih.gov/35933002/>). Their key findings included that:

- These at-risk males had informal training with firearms through their peers and family.
- These men also stored and hid guns in ways most public health professionals would define as unsafe given the risk of accidental discovery or accidental discharge.
 - Several examples included a common practice of keeping firearms in “stash” located in public places including garbage cans or in the bushes in a park where guns were hidden in plain sight.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?

Yes No N/A

- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

Child firearm deaths in New Mexico

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 - In 2022, firearm injury was the leading cause of death for children (age 1-17) in New Mexico (Unpublished data, New Mexico [NM BVRHS](#)).
 - In 2022, 38% of households with a firearm and a child less than 18 years old in New Mexico have a loaded firearm (nmhealth.org/publication/view/report/8463/)
 - In 2022, 15% of households with a firearm and a child less than 18 years old in New Mexico have a loaded and unlocked firearm (nmhealth.org/publication/view/report/8463/)
- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in New Mexico, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
 - Between 2018 and 2022, child (age 1-17) firearm injury emergency department visits have increased by 73% (from 90 visits in 2018 to 156 visits in 2022) (<https://www.governor.state.nm.us/gun-violence-dashboard/>).

- Firearm injury emergency department visits increased by 100% for youth age 1-13 (from 23 to 46) and 64% for youth age 14-17 (from 67 in 2018 to 110 in 2022) (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
- In the past two years (Oct22-Sep23 vs. Oct21-Sep22), males age 1-13 (+18%), females age 1-13 (+20%) and males age 14-17 (+25%) are at increased risk for firearm injury emergency department visits (<https://www.governor.state.nm.us/gun-violence-dashboard/>).

Firearm Deaths (all ages) in New Mexico

- In 2022, American Indian and Alaska Natives (AI/AN) residents in New Mexico were 21% more likely (30.6 deaths per 100,000 residents, age adjusted) to be killed with a firearm compared to White residents (25.2 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, Black or African American residents in New Mexico were 49% more likely (42.7 deaths per 100,000 persons) to have a firearm involved death than White residents (28.7 deaths per 100,000 persons) (Unpublished data, [NM BVRHS](#)).
- In 2022, males in New Mexico were nearly five times more likely (44.2 deaths per 100,000 residents, age adjusted) to have a firearm-involved death than females (9.0 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).

9. HEALTH IMPACT(S)

Firearm Deaths in New Mexico

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- In the past two years (Oct22-Sep23 vs. Oct21-Sep22), males age 1-13 (+18%), females age 1-13 (+20%) and males age 14-17 (+25%) are at increased risk for firearm injury emergency department visits (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
- In 2022, New Mexico had the third highest age-adjusted firearm death rate among all states in the United States (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the United States rate (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
- In 2022, firearm involved death would be the 10th leading cause of death in New Mexico with more deaths than nutritional deficiencies and influenza and pneumonia ([CDC Wonder - Underlying Cause of Death Form](#) – Data queried and prepared by NMDOH – ERD on 1.11.2024).
- Between 2012 and 2022, the age-adjusted firearm death rate in New Mexico increased by 75% (from 15.1 deaths per 100,000 residents in 2012 to 26.5 deaths per 100,000 residents in 2022) (Unpublished data, [NM BVRHS](#)).
- Between 2020 and 2022, the age-adjusted rate of firearm death increased by 17% (from 22.6 to 26.5 deaths per 100,000 residents) with 69 more deaths than in 2020. However, there was a 2% decrease in the rate from 2021 to 2022 (from 27.0 to 26.5 deaths per 100,000 residents) with 12 fewer deaths in 2022 (Unpublished data, [NM BVRHS](#)).

10. ALTERNATIVES - None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If Senate Bill 204 (SB0204) is not enacted, then it will not be a fourth-degree felony to carry a firearm in a park or playground.

12. AMENDMENTS

None