

LFC Requestor: Sanchez, Scott

2024 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 69A

Type: Amendment

Date (of THIS analysis): 1/31/24

Sponsor(s): Joseph Cervantes & Andrea Romero

Short Title: 14-DAY FIREARM SALE WAITING PERIOD

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 HB0129

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 69A (SB0069A) proposes an amendment that would change the waiting period for purchase of a firearm from 14 business days (in SB0069) to 14 calendar days (in SB0069A) between the start of the federal instant background check required for the sale of a firearm and transfer of the firearm to the buyer.

Is this an amendment or substitution? Yes No

- Amendment proposed by Senate Health & Public Affairs (SHPAC) Committee
- The amendment would shorten the length of time for the waiting period from 14 business days (in SB0069), which does not include weekends in the 14-day waiting period) to 14 calendar days (in SB0069A).

Is there an emergency clause? Yes No

b) Significant Issues

There are no empirical studies that have examined how changing the waiting period from 14 business days to 14 calendar days will impact firearm injury and/or death. However, there are several reasons for increasing the length of time for waiting periods including:

- Studies have found that waiting period laws prevent firearm suicides and homicides by creating a “time buffer” between the time of the gun purchase and acquiring the firearm to minimize the likelihood of using firearms for impulsive acts of violence (e.g., https://journals.lww.com/journalacs/abstract/2023/01000/restrictive_firearm_laws_and_firearm_relate_d.8.aspx).

- Giving law enforcement agencies additional time to complete background checks, which sometimes cannot be completed in the 3 day window under federal law ([Waiting Periods | Giffords](#)).
 - Every year about 3,800 ineligible individuals (e.g., individuals subject to a domestic violence restraining order) acquire firearms where the dealer completes the sale without a completed background check after 3 business days [as required by federal law] ([Waiting Periods | Giffords](#)).
 - Having a longer waiting period will enable law enforcement and firearm dealers to complete background checks during times when there is a spike in firearm sales. For example, Studdert et al. (2017) examined the impact of mass shootings on the decision to purchase firearms after mass shootings in San Bernardino, CA in 2015. They found that:
 - Handgun acquisition of handguns increased by 85% for residents of San Bernardino and adjacent neighborhoods compared to 35% elsewhere in California (<https://www.acpjournals.org/doi/pdf/10.7326/M16-1574>)
- The recommendation by FBI experts to extend the time for background checks to ensure that the seller of the firearm (e.g., gun shop owners, pawn shop dealers, and retailers) can fully utilize the National Instant Criminal Background Check System (NICS) to determine if the firearm purchaser can legally buy or own a firearm (<https://www.fbi.gov/services/cjis/nics>).
 - Since federal law does not require private sellers to perform background checks on gun purchasers, private sellers can take immediate possession of the firearm unless restricted by state or local law ([Waiting Periods | Giffords](#)).

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

SB0069 is related to HB0129, which would require a 14-day waiting period for the sale of firearms.

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

None

9. HEALTH IMPACT(S)

None

10. ALTERNATIVES - None

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

If SB0069A is not enacted, then the waiting period for the purchase of a firearm will be longer (14 business days in SB0069 versus 14 calendar days in SB0069A) between the start of the federal instant background check required for the sale of a firearm and transfer of the firearm to the buyer.

12. AMENDMENTS

None