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FISCAL IMPACT REPORT

SPONSOR Sen. Ivey-Soto/Reps. Cates and Sariñana **LAST UPDATED** _____
ORIGINAL DATE 02/05/2024
BILL
SHORT TITLE Sealing Records & Background Checks **NUMBER** Senate Bill 178
ANALYST Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

New Mexico Sentencing Commission (NMSC)
Office of the Attorney General (NMAG)
Administrative Office of the Courts (AOC)

Agency Analysis was Solicited but Not Received From

Administrative Office of the District Attorneys (AODA)
Law Offices of the Public Defender (LOPD)

SUMMARY

Synopsis of Senate Bill 178

Senate Bill 178 amends Section 32A-2-26, NMSA 1978 (the Delinquency Act) to allow for the disclosure of sealed juvenile records during federal instant background checks. This change is intended to support compliance with federal regulations concerning firearm purchases, specifically enhancing background checks for potential firearm purchasers under the age of 21.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

FISCAL IMPLICATIONS

None of the agencies responding to the request for analysis for Senate Bill 178 indicated there

would be any measurable fiscal impact as a consequence of passing this bill.

SIGNIFICANT ISSUES

Analysis from the Office of the Attorney General underscored the importance of clarity and compliance with federal laws regarding juvenile records and background checks. The Attorney General's office suggests aligning the bill's terminology with federal standards addressing the definitions related to background checks and the scope of records involving firearm possession or use.

The Administrative Office of the Courts highlighted the challenges currently faced by states aiming to implement enhanced background checks under recent federal legislation, stressing the necessity of allowing disclosure of sealed juvenile records to comply with these checks. AOC expressed similar concerns regarding the need for definitional clarity for background check processes for firearm purchases by young adults in New Mexico.

The New Mexico Sentencing Commission discussed Senate Bill 178's alignment with the federal Bipartisan Safer Communities Act, aiming to include juvenile records in background checks for firearm purchases by young adults. NMSC mentioned a possible need to amend another section of the Delinquency Act (32A-2-32) to ensure comprehensive coverage of juvenile justice records in background checks, highlighting the bill's intent to enhance public safety by incorporating potentially disqualifying juvenile records into the firearm purchasing process.

SS/hg