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FISCAL IMPACT REPORT

SPONSOR <u>Block/Lord/Pettigrew</u>	LAST UPDATED _____
	ORIGINAL DATE <u>01/29/2025</u>
SHORT TITLE <u>Permitless Carry of Firearms</u>	BILL NUMBER <u>House Bill 83</u>
	ANALYST <u>Chilton</u>

REVENUE* (dollars in thousands)

Type	FY25	FY26	FY27	FY28	FY29	Recurring or Nonrecurring	Fund Affected
Department of Public Safety		Up to (\$847.8)	Up to (\$847.8)	Up to (\$847.8)	Up to (\$847.8)	Recurring	OSF-Concealed Carry Fund

Parentheses () indicate revenue decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bills 39 and 101.

Sources of Information

LFC Files

Agency Analysis Received From

Department of Public Safety (DPS)
 Administrative Office of the Courts (AOC)
 Law Offices of the Public Defenders (LOPD)
 New Mexico Attorney General (NMAG)
 Department of Health (DOH)
 Crime Victims Reparations Commission (CVRC)

Agency Analysis was Solicited but Not Received From

Corrections Department (NMCD)
 Taxation and Revenue Department (TRD)

Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analysis from these state agencies. This analysis could be updated if that analysis is received.

SUMMARY

Synopsis of House Bill 83

House Bill 83 (HB83) would make it legal for any person age 18 years (under current law, the age is 21) or older to carry a loaded or unloaded firearm unless that person had been subject to a

federal or state law or court order forbidding that person from doing so, removing firearms from the definition of “deadly weapon.”

To that end, HB83 amends Section 30-7-1 NMSA 1978 to exempt firearms from the definition of “deadly weapon” as in “carrying a deadly weapon.” The bill also amends Section 30-7-2 to use the definition of deadly weapon (excluding firearms) to apply to the definition of “unlawful carrying of a deadly weapon.” In addition, it excludes carrying a firearm from the prohibition on carrying a deadly weapon onto a bus.

The bill repeals Sections 30-7-2.2 through 30-7-3 NMSA 1978. The titles of these sections to be deleted are as follows:

- 30-7-2.2. Unlawful possession of a handgun by a person; exceptions; penalty.
- 30-7-2.3. Seizure and forfeiture of a handgun possessed or transported by a person in violation of unlawful possession of a handgun by a person.
- 30-7-2.4. Unlawful carrying of a firearm on university premises; notice; penalty.
- Unlawful carrying of a firearm in licensed liquor establishments.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

There is no appropriation in HB83.

The Department of Public Safety (DPS) notes this bill would decrease revenue from concealed carry permit fees:

[The fees] fund [our] administrative processes, including background checks and permit issuance. In FY 2023, DPS processed 11,177 applications that generated \$635.4 thousand in fees, increasing to \$746.6 thousand in FY 2024 for 9,408 applications, and have processed 6,470 applications in the first two quarters of FY25 with a total projected revenue of \$847.8 thousand, covering five full-time employee salaries and operating costs totaling \$798.1 thousand annually. While some residents may continue to purchase or renew licenses for compliance with other states' laws, the overall revenue decline is uncertain and could negatively affect DPS's fiscal stability. Savings from decreased administrative burdens may offset some losses, but additional costs for public education and law enforcement training to implement the new framework could arise.

SIGNIFICANT ISSUES

Many studies have been done indicating that allowing firearm carrying without permit (as has become law in 25 states) results in greater danger to residents from gun violence. Department of Health (DOH) quotes several of these studies and points out that New Mexico already has one of the highest firearm death rates of any state. DOH notes firearm deaths among children, Native Americans, and Hispanics have increased markedly.

DPS states:

This bill would decriminalize the carrying of firearms at New Mexico colleges and universities; and the carrying of firearms in bars and other liquor establishments. Allowing guns in bars is likely to result in some additional violent gun crime.

DPS deals with numerous individuals with prior criminal history who are allowed to purchase a firearm but, because of their criminal history, are still prohibited from having a concealed carry permit. This bill would grant the right to carry a concealed firearm to all those individuals. This causes DPS to be concerned about an increased danger to officers in their interactions with the public.

Administrative Office of the Courts (AOC) indicates:

The language of HB83 would permit more people to carry concealed, loaded firearms in New Mexico because it: (1) lowers the minimum age for doing so from age 21 to age 18; (2) allows non-United States citizens to do so; (3) dispenses with firearm safety training requirement; (4) allows persons who have been adjudicated mentally ill to carry concealed, loaded firearms, and (5) allows those under indictment for felony criminal offenses in New Mexico or other jurisdictions to carry concealed, loaded firearms. All of these individuals are prohibited from carrying under current law.

Law Offices of the Public Defenders (LOPD) indicates that proactive police action, for example to prevent violence caused by a person carrying a rifle onto a college campus, might subject that police officer to prosecution.

Gun rights advocates argue concealed carry permit laws are “bureaucratic barriers” that prevent citizens from exercising their Second Amendment rights and are unconstitutional.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB83 relates to House Bill 39, which would restrict gun ownership among who commit certain juvenile offenses, and House Bill 101, which would exempt a commissioned law enforcement officer from restrictions on firearms at polling places.

This bill is identical to House Bill 164 from the 2023 legislative session.

TECHNICAL ISSUES

As noted by DPS and AOC, the bill does not mention repeal of Section 29-19-4 NMSA 1978, which requires DPS to issue concealed carry licenses under certain circumstances and to deny it under other circumstances. AOC suggests that passage of this bill would make the Concealed Carry Handgun Act unenforceable.

LC/rl/hg/sgs