

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

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**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** January 20, 2026 **Check all that apply:**  
**Bill Number:** HB 25 **Original**  **Correction**   
**Amendment**  **Substitute**

<b>Sponsor:</b>	<u>Kathleen Cates</u>	<b>Agency Name and Code Number:</b>	Administrative Office of the District Attorneys - #264
<b>Short Title:</b>	<u>Juvenile Firearm Use and Background Checks</u>	<b>Person Writing</b>	<u>M. Anne Kelly</u>
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**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>		

**REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>	<b>FY28</b>		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

#### Synopsis:

Section 1 amends Section 30-7-16 entitled “Firearms or Destructive Devices – Receipt, Transportation or Possession by Certain Persons – Penalty” to add a new category of persons for whom it is illegal to possess a firearm – namely, “an adult subject to a juvenile disposition for a delinquent act involving use of a firearm under the Delinquency Act” if that act would have been a felony if committed by an adult and regardless of whether or not the judgment resulted in an adult sentence. Subsection B adds this category of persons to “felon[s]” and makes the crime a third-degree felony.

Subsection E is amended to include a definition of this class of persons, specifying that (1) the person is 18 years or older and subject to a juvenile disposition of a delinquent act involving a firearm (2) that less than ten years have passed since the juvenile disposition and (3) the person has not been pardoned for the juvenile disposition.

Section 2 amends Section 32A-2-26 entitled “Sealing of Records” in the Children’s Code to add Subsection L which provides that court records of juvenile dispositions involving the use of a firearm shall be electronically transmitted to the FBI and “made available” to state and local law enforcement “for the purpose” of determining whether a person is in violation of Section 30-7-16.

Section 3 amends Section 32A-2-18 entitled “Judgment – Noncriminal Nature – Nonadmissibility” to change the title to include “Conviction of a Crime” in the title and to provide that a juvenile disposition for a delinquent act involving a firearm that would constitute a felony if committed by an adult, shall be considered a conviction for the purpose of the federal Gun Control Act of 1968 for a period of ten years following the disposition.

Section 4 provides that the effective date of this act is July 1, 2026.

### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this agency.

### **SIGNIFICANT ISSUES**

This bill adds a new class of persons to the felon in possession of a firearm statute; namely, juveniles who were convicted under the Delinquency Act of a felony gun crime.

In 2025, the Court of Appeals considered a Second Amendment challenge to Section 30-7-16 and rejected a reading of Section 30-7-16 which permits restrictions based on categorizations of groups of people, such as felons. Instead, the Court held that possession of a firearm can be restricted if the court finds that the person poses a threat to others. *Romero, \_\_\_-NMCA-\_\_\_, ¶ 15, \_\_\_ P.3d \_\_\_ (A-1-CA-41601, Apr. 16, 2025)* (rejecting a reading of Section 30-7-16(A)

that permits restrictions based on historical categorizations of groups of people – like felons – and adopting a principle that permits restricting the possession of firearms if the court finds that the person poses a threat to others). Thus, if the constitutional claim is preserved, the State would need to show that the defendant is not only a convicted felon but also a threat to others.

### **PERFORMANCE IMPLICATIONS**

None noted.

### **ADMINISTRATIVE IMPLICATIONS**

None noted.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Related – HB 49 proposes to increase the penalty for felons under Section 30-7-16 to a second-degree felony for a first offense and a first-degree felony for a second or subsequent offense.

### **TECHNICAL ISSUES**

None noted.

### **OTHER SUBSTANTIVE ISSUES**

None noted.

### **ALTERNATIVES**

n/a

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

### **AMENDMENTS**

n/a