

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://www.legis.state.nm.us/AgencyAnalysis.nmlegis.gov) and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****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 25Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Kathleen Cates**Agency Name
and Code**Administrative Office of the
District Attorneys - #264**Short Title:** Juvenile Firearm Use and**Person Writing**M. Anne KellyBackground Checks**Phone:** 5052503302**Email** akelly@da.state.nm.us**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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