

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 1/21/2026

Check all that apply:

Bill Number: HB25

Original Correction
Amendment Substitute

Sponsor: Rep. Kathleen Cates

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Analysis: Jane A. Bernstein

Short Title: Juvenile Firearm Use and Background Checks

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Section 30-7-16 of the New Mexico Statutes currently prohibits felons, those subjected to a protection order, and those convicted of certain enumerated crimes from receiving, transporting, or possessing a firearm or destructive device in New Mexico. Chapter 30 of our state statutes covers criminal offenses.

Sections 32A-2-26 and 32A-2-18 address, respectively, the sealing of juvenile records and the noncriminal nature and general non-admissibility of delinquency judgments. Chapter 32A is the New Mexico Children’s Code.

Section 1 of 30-7-16 would add paragraph 4 to subsection (A). Paragraph (4) would add to the existing class of persons prohibited from possessing a firearm “an adult subject to a juvenile disposition for a delinquent act involving use of a firearm under the Delinquency Act that would be a felony if committed by an adult,” regardless of whether the juvenile adjudication resulted in an adult sentence.

Subsection (B) would be amended to add that an individual described in proposed subsection (A) paragraph (4) who is found in possession of a firearm would be guilty of a third-degree felony.

Subsection (E) would include a new paragraph 1, which would define an “adult subject to a juvenile disposition for a delinquent act involving use of a firearm” as an individual 18 years of age or older where fewer than ten years have passed since the juvenile disposition and who had not been pardoned by “the proper authority.”

HB25 also proposes to add section 32A-2-26 of the New Mexico Statutes (“sealing of records”) as new Section 2, and section 32A-2-18 (“judgment; noncriminal nature; non-admissibility”) as new Section 3 of the consolidated statute.

Section 2 would add new subsection (L) to Section 32A-2-26 of the New Mexico Statutes (“sealing of records”), which would mandate transmission of the court record of a juvenile disposition “involving” the use of a firearm to the FBI’s national instant criminal background check system to be made available to state and local law enforcement agencies for the purpose of determining if an individual is in violation of section 30-7-16.

Section 3 would add new subsection (D), which would treat dispositions in juvenile cases involving the use of a firearm to be treated as qualifying convictions for the purposes of the federal Gun Control Act of 1968 for a period of ten years.

FISCAL IMPLICATIONS

None to this office.

SIGNIFICANT ISSUES

HB25 may implicate the Second Amendment. In *New York State Rifle & Pistol Assoc. Inc., v. Bruen*, 597 U.S. 1 (2022), the U.S. Supreme Court required courts to examine whether a firearm regulation is consistent with the nation’s historical practice of regulating firearms. The Court of Appeals has upheld New Mexico’s felon-in-possession statute under the *Bruen* test. See *State v. Romero*, ___-NMCA-___ (A-1-CA-41601, April 16, 2025).

PERFORMANCE IMPLICATIONS

None for this office.

ADMINISTRATIVE IMPLICATIONS

None for this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship to / conflict with HB78, which also proposes to amend section 32A-2-26 (“sealing of records”) by adding a different subsection (L).

Related to HB81, which loosens restrictions on carrying firearms.

TECHNICAL ISSUES

HB25 discusses juvenile dispositions “involving” a firearm. Providing clarity about what “involving” means will facilitate enforcement of this law because a gun can be involved in a crime in various ways (e.g. possessing, brandishing, or discharging).

HB25 defines “adult subject to a juvenile disposition for a delinquent act involving use of a firearm” as a person “eighteen years of age or older subject to a juvenile disposition . . .” The use of the present tense “subject to” could be read to only prohibit individuals 18 and older who are *currently serving* a portion of a juvenile disposition from owning firearms. Consider clarifying whether this result is intended or if instead the bill was meant to bar any individual who had been adjudicated delinquent for a firearm crime in the past ten years from possessing a firearm. Again, providing clarity here will enhance application of this bill.

OTHER SUBSTANTIVE ISSUES

New subsection (D) from proposed Section 3, which mandates that a judgment in a delinquency proceeding becomes a criminal conviction notwithstanding that it did not result in an adult sentence, is inconsistent with existing subsection (C), which expressly provides that the judgment is *not* deemed a criminal conviction unless an adult sentence results. To clarify this, subsection (D) could include language such as “Notwithstanding subsection (C), a judgement in proceedings . . .” Addressing this issue will support this bill’s effectiveness.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.