

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.nm.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto: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 21, 2026 *Check all that apply:***Bill Number:** House Bill 25 Original ☒ Correction ☐  
Amendment ☐ Substitute ☐**Agency Name  
and Code****Number:** 218 AOC**Sponsor:** Rep. Kathleen Cates**Short Title:** Juvenile Firearm Use andBackground Checks**Person Writing** Patricia M. Galindo**Phone:** 505-670-2656 **Email** aocpmg@nmcourts.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

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

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

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to: HB49 (increased penalties for a felon in possession of a firearm)  
Duplicates/Relates to Appropriation in the General Appropriation Act – N/A

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 25 amends Sections 30-7-16 NMSA 1978 as follows:

- Makes an adult prohibited from receiving, transporting or possessing a firearm or destructive device in New Mexico if when the adult was a juvenile, they received a disposition for a delinquent act involving the use of a firearm under the Delinquency Act, that if committed by an adult would have been felony offense.
- Defines an adult as a person eighteen years of age or older subject to a juvenile disposition involving the use of a firearm, and less than ten years have passed since the juvenile disposition involving the use of a firearm and a pardon has not been issued for this juvenile disposition.

House Bill 39 also amends Section 32A-2-26 NMSA 1978 as follows:

- Allows the AOC to electronically transmit records of a juvenile disposition that involve the use of a firearm for a delinquent act, that would be a felony if committed by adult, to the FBI's National Instant Background Check System (NICS), and state and local law enforcement for purposes of determining whether a person may receive, transport or possess a firearm or destructive device pursuant to Section 30-7-16(A) NMSA 1978.

House Bill 39 also amends Section 32A-2-18 NMSA 1978 as follows:

- Allows a judgment in proceedings on a petition under the Delinquency Act resulting in a juvenile disposition for a delinquent act involving use of a firearm that would constitute a felony if committed by an adult be considered a conviction of a crime punishable by imprisonment for a term exceeding one year for the purpose of the federal Gun Control Act of 1968 for a period of ten years following the disposition, regardless of whether the judgment results in an adult sentence.

The effective date of this legislation is July 1, 2026.

#### **FISCAL IMPLICATIONS**

There will be significant administrative cost for the statewide update, distribution and documentation of these proposed statutory changes. Any additional fiscal impact on the judiciary would be proportional to manual reviews for all juvenile dispositions to determine whether a firearm was used in the crime and requiring the AOC to electronically transmit the information to the FBI. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

NMSA 1978, Section 34-9-19(B) requires the Administrative Office of the Courts (AOC) to electronically transmit information about court orders, judgements and verdicts to the FBI. The AOC has developed sophisticated electronic queries for five different case types that may subject

an individual to federal or state firearm prohibitions. These queries are run nightly on every business day and if the parameters of the queries match court activity, then the individual in that case is electronically entered into the NICS database. HB25 would require the AOC to manually review every single juvenile disposition to determine if any electronic records contain information that a firearm was used in the commission of the delinquent act. The judiciary's case management system, Odyssey, does not have the ability to scan individual court records looking for the term "firearm" or "gun".

Pursuant to the Bipartisan Safer Communities Act, the Administrative Office of the Courts (AOC) also conducts enhanced background checks, commonly referred to as "U21 checks" for juvenile criminal and mental health cases when individuals under the age of twenty-one years old attempt to purchase a firearm. In calendar year 2025, the AOC conducted over 2,000 U21 enhanced background checks.

NMSA 1978 Section 30-7-16 defines the types of persons that are prohibited from receiving, transporting or possessing a firearm or destructive device in New Mexico. HB25 adds "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 judgment resulted in an adult sentence." Currently in New Mexico, juvenile dispositions are not considered convictions, so when an adult attempts to purchase a firearm and a federal instant background check is conducted any juvenile dispositions under the Delinquency Act are not considered a conviction, so the firearm sale is allowed to proceed.

NMSA 1978 Section 32A-2-26(H) provides for the automatic sealing of juvenile records when "the child reaches the age of eighteen or at the expiration of the disposition, whichever occurs later". NMSA 1978 Section 32A-2-26(C) further states that "upon the entry of the sealing order, the proceedings in the case shall be treated as if they never occurred" and response to an inquiry shall be "that no record exists with respect to the person." HB25 would allow juvenile dispositions involving the use of a firearm for a delinquent act that would be a felony if committed by an adult to be "made available to state and local law enforcement agencies for the purpose of determining whether a person" is a felon in possession of a firearm. If the juvenile disposition does not include a firearm, the AOC would still not be allowed to disclose the case during a firearm background check if the case is sealed under NMSA 1978 Section 32A-2-26(H).

## **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

**ADMINISTRATIVE IMPLICATIONS** – none identified.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP** – none identified.

## **TECHNICAL ISSUES**

As written, HB25 would not allow the AOC to disclose any other violent juvenile adjudications that do not involve the use of a firearm. Under 18 U.S.C. Section 922(g)(1) a person who has

been “convicted in any court of, a crime punishable by imprisonment for a term exceeding one year” is prohibited under federal law from possessing or receiving a firearm. In New Mexico, all felony criminal offenses subject a defendant to federal firearm prohibitions under 18 U.S.C. Section 922(g)(1). HB25 specifies that only juvenile adjudications that involve the use of a firearm and would be a felony if committed by an adult can be report to NICS. Some examples of the types of felony charges that do not involve the “use of a firearm” and under HB25 could not be disclosed pursuant to “U21 check” or an adult firearm background check include:

- Murder or manslaughter
- Assault/Battery
- Kidnapping
- Sexual offenses
- Robbery/burglary
- Property damage
- Controlled substances
- Unlawful taking of a motor vehicle
- Vehicular homicide

In addition, the AOC would not be able to disclose sealed juvenile dispositions that are misdemeanor crimes of domestic violence, although these crimes if committed by an adult are federal firearm prohibitors under 18 U.S.C. 922 (g)(9).

## **OTHER SUBSTANTIVE ISSUES**

Concerns have been raised about whether individuals should be reported to NICS for behavior that took place when they were a juvenile. The AOC already reports juveniles into NICS for the following case types:

- Involuntary mental health commitments
- Domestic violence orders of protection (teen dating violence)
- Extreme risk firearm protection orders (ERFPO)

HB 25 would require the AOC to report judgments issued under the Delinquency Act involving the use of a firearm that would constitute a felony if committed by an adult to the FBI for entry into NICS for a period of ten years following the disposition of the juvenile case. This legislation does not result in an indefinite deprivation of an individual’s Second Amendment right to bear arms, but instead provides for a ten-year restriction.

**ALTERNATIVES** – none.

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

**AMENDMENTS** – none.