

LFC Requester:

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## AGENCY BILL ANALYSIS – 2026 SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO  
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*(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: 20 Jan 2026 Check all that apply:  
 Bill Number: HB 25 Original  Correction   
 Amendment  Substitute

Sponsor: Kathleen Cates  
 Short Felony Firearm Possession and Prior Juve Agency Name  
 and Code  
 Number: 790 – Department of Public Safety  
 Person Writing Emmanuel T. Gutierrez  
 Phone: 505-917-2952 Email: Emmanuel.gutierrez@dps.nm.gov

**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NFI	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
Total	NFI	NFI	NFI	NFI	N/A	N/A

(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: House Bill 39 (HB 39) brings an adult's record of juvenile delinquency and use of a firearm into consideration for adult felony firearm possession and firearm background checks. Requires that records of a juvenile disposition involving use of a firearm for a delinquent act that would be a felony if committed by an adult are to be made available to federal authorities for purposes of conducting federal instant background checks and to state and local law enforcement for purposes of determining whether a person may receive, transport, or possess a firearm or destructive device.

### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

### **SIGNIFICANT ISSUES**

The federal Gun Control Act makes it unlawful, as relevant, for any person "who has been convicted in any court of" "a crime punishable by imprisonment for a term exceeding one year" to possess a firearm. 18 U.S.C. § 922(g)(1). What constitutes a conviction of a crime punishable by imprisonment for more than one year is determined "in accordance with the law of the jurisdiction in which the proceedings were held." 18 U.S.C. § 921(a)(20). Courts have held that juvenile dispositions for delinquent acts that would be a felony if committed by an adult do not generally constitute "a crime punishable by imprisonment for a term exceeding one year" unless the state indicates otherwise, and therefore those juvenile offenders are generally allowed to purchase firearms when they turn eighteen or twenty-one (in the case of handguns). *See, e.g., United States v. Walters*, 359 F.3d 340, 346 (4th Cir. 2004).

Current New Mexico law provides that "[a] judgment in proceedings on a petition under the Delinquency Act...resulting in a juvenile disposition shall not be deemed a conviction of crime." NMSA 1978, § 32A-2-18(A); *see also State v. Smith*, 2000-NMCA-101, ¶ 11, 129 N.M. 738, 13 P.3d 470 (noting the legislative directive that juvenile dispositions not be treated as "convictions" for all purposes). Accordingly, a person who receives a juvenile disposition for committing a felonious act involving a firearm is not prohibited by federal law from purchasing or possessing a firearm. See 18 U.S.C. § 921(a)(20); *Walters*, 359 F.3d 340 (finding that similar provision indicated that Virginia does not consider a juvenile adjudication to be a conviction). The same goes for state law. See NMSA 1978, § 30-7-16 (only prohibiting felons and those convicted of certain crimes and subject to restraining orders from purchasing or possessing firearms). Accordingly, those persons who committed violent offenses involving firearms as a juvenile are generally allowed to purchase and possess firearms the moment they turn of age—which creates serious public safety issues. *See Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96, 126 (10th Cir. 2024) (finding "compelling scientific evidence" that young adults are more likely to use firearms irresponsibly).

HB 25 addresses these issues by: (1) amending state law to prohibit "adult[s] 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," from purchasing or possessing a firearm for a period of ten years following the disposition (unless they have been pardoned); and (2) indicating that these juvenile dispositions constitute "a crime punishable by imprisonment for a term exceeding one year" for a period of ten years following the disposition so that federal law will prohibit them from purchasing or possessing firearms during that time.

To facilitate enforcement, HB 25 also provides that records of these juvenile dispositions shall be electronically transmitted to the FBI's national instant criminal background check system and made available to state/local law enforcement for purposes of determining whether a person can receive, transport, or possess a firearm or destructive device in New Mexico.

### **PERFORMANCE IMPLICATIONS**

The legislation will enhance public safety by restricting firearm access for individuals with a history of juvenile firearm-related delinquency. It supports law enforcement and judicial goals of crime prevention and ensures a robust background check system.

### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

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

No conflict, duplication, companionship or relationship to DPS.

### **TECHNICAL ISSUES**

No technical issues to DPS

### **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS

### **ALTERNATIVES**

Not applicable as no impact to DPS.

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

Without HB 25, individuals with significant juvenile firearm-related offenses may legally possess firearms upon reaching adulthood, potentially undermining public safety. Without juvenile records being incorporated, existing background checks would remain insufficient to prevent firearm access by such individuals.

### **AMENDMENTS**

None at this time.