

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://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 21, 2026 *Check all that apply:***Bill Number:** House Bill 49 Original ☒ Correction ☐
Amendment ☐ Substitute ☐**Agency Name
and Code****Number:** 218 AOC**Sponsor:** Rep. Joy Garratt**Short** INCREASE FELON**Person Writing** Patricia M. Galindo**Title:** FIREARM PENALTY**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
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None
Duplicates/Relates to Appropriation in the General Appropriation Act – N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 49 amends Section 30-7-16 NMSA 1978 by increasing the penalty for a person found guilty of being a felon in possession of a firearm. A first offense would be a second-degree felony, while a second and subsequent offense would be a first-degree felony.

House Bill 49 does not contain an effective date and would be effective on May 20, 2026, 90 days following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees. These additional costs are not capable of quantification.

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. 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

Section 30-7-16(B) NMSA 1978 was amended in 2020 to increase the penalty for the offense of felon in possession of a firearm from a fourth-degree felony to a third-degree felony. HB 49 would again increase the level and sentence for this felony offense up to a second-degree felony, with a basic sentence of nine years imprisonment. HB 49 also creates a new offense and penalty for a second and subsequent offense for a felon in possession of a firearm or destructive device. A person guilty of a second or subsequent offense under Section 30-7-16(B) NMSA 1978 would be subject to a basic sentence of eighteen years imprisonment.

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 – none.

OTHER SUBSTANTIVE ISSUES

Section 30-7-16 NMSA 1978 defines a felon as “a person convicted of a felony offense by a court of the United States or of any state or political subdivision thereof” and for whom “less than ten years have passed since the person completed serving a sentence or period of probation for the felony conviction, whichever is later”. Under New Mexico law, felony status for purposes of firearm possession is not permanent. The state provides for the automatic restoration of firearm rights when an individual who was previously convicted of a felony does not commit another felony offense within ten years following completion of the sentence or probation. Once that ten-year period has elapsed without a subsequent felony conviction, the individual is no longer considered a felon under Section 30-7-16 for purposes of firearm possession.

ALTERNATIVES – none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS – none.