

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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: 01/20/2026

Check all that apply:

Bill Number: HB49Original Correction Amendment Substitute Sponsor: Joy Garratt**Agency Name****and Code****Number:**770- NMCD

Short

Person WritingA. Griego QuintanaTitle: Increase Felon Firearm PenaltyPhone: 505-479-2296 Email Anisa.griego-quinta@cd.nm.gov**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	0	0	0	0	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 49 amends New Mexico's statutes regarding the unlawful possession, transportation, or receipt of firearms or destructive devices by a convicted felon. The bill replaces current penalties—which vary based on the nature of the prior conviction—with increased first- and second-degree felony classifications.

Specifically, the bill amends Sec. 30-7-16 of the Criminal Code to eliminate the third-degree felony designation. Under the new provisions, a felon in possession of a firearm or destructive device faces a second-degree felony for a first offense and a first-degree felony for any subsequent offenses.

The bill removes the definition of “serious violent offender” and eliminates all references to sections of law relating to earned meritorious deductions for such individuals within correctional facilities. These changes seemingly reflect the elimination of the third-degree felony tier for these crimes.

FISCAL IMPLICATIONS

The amendment is not expected to have a fiscal impact on the Department.

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

By increasing the severity of these penalties, the bill aims to deter felons from possessing firearms or destructive devices and reduce the risk of violent crimes. This change is likely to increase actual time served and average length of stay which would allow inmates to engage in meaningful programming. Overall, the amendments reinforce commitment to public safety while holding criminals accountable and increases the safety of law enforcement officers in the community.

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

N/A