

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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## AGENCY BILL ANALYSIS – 2026 SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](https://AgencyAnalysis.nmlegis.gov) 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:** 20 JAN 2026 *Check all that apply:*  
**Bill Number:** HB 49 Original ☒ Correction ☐  
Amendment ☐ Substitute ☐

**Sponsor:** Joy Garratt **Agency Name and Code:** 790 – Department of Public Safety  
**Short Title:** Increase Felon Firearm Penalty **Person Writing:** Emmanuel T. Gutierrez  
**Phone:** 505-917-2952 **Email:** Emmanuel.Gutierrez@dfa.nm.gov

### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A
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
<b>Total</b>	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: This bill enhances penalties for felons in possession of a firearm, upgrading the offense from a third-degree felony to a second-degree felony for the first violation and to a first-degree felony for any subsequent offenses.

### **FISCAL IMPLICATIONS**

No fiscal implications to DPS.

### **SIGNIFICANT ISSUES**

No significant issues for DPS.

### **PERFORMANCE IMPLICATIONS**

Felons in possession of firearms pose a significant risk to public safety. By increasing the penalties for those caught possessing firearms, the bill serves as a strong deterrent to prevent individuals with felony convictions from illegally obtaining and carrying weapons. The prospect of more significant penalties will discourage felons from engaging in criminal conduct that could lead to further violent crimes. The individuals affected by this statute have already shown a strong disregard for the safety of the community due to having previously committed and been convicted of a separate felony crime.

By enhancing penalties for felons found in possession of firearms, law enforcement agencies would have a more effective legal tool for combating gun crime and enhancing public safety. The bill would provide police with a stronger deterrent when arresting individuals with prior criminal convictions who possess illegal firearms, supporting ongoing efforts to reduce gun-related offenses. Law enforcement agencies often encounter difficulties in curbing gun violence and criminal possession of firearms, particularly when individuals who have already demonstrated criminal behavior continue to obtain weapons. Enhanced penalties reinforce officers' efforts by imposing significant legal consequence to possess a firearm illegally, thereby leading to better outcomes in arrests, prosecutions, and deterrence.

This bill would also bring the punishment of an offender who is charged with being a felon in possession of a firearm in state court more in line with the potential punishment from federal court. Currently, the state is often dependent upon federal authorities to "adopt" these types of cases to ensure meaningful consequences for offenders. This limits the number of cases that can be pursued in state court, and it requires federal law enforcement to handle duties that could be handled at the state level.

### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications for DPS.

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

No conflict, duplications, companionship, relationships to DPS.

### **TECHNICAL ISSUES**

No technical issues to DPS.

### **OTHER SUBSTANTIVE ISSUES**

No other substantive issues.

### **ALTERNATIVES**

No alternatives for DPS.

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

Status quo will remain.

## **AMENDMENTS**

No amendments for DPS.