

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: January 21, 2026 **Check all that apply:**
Bill Number: HB 67 **Original** **Correction**
Amendment **Substitute**

**Agency Name
and Code**

Sponsor: Garratt, O'Malley **Number:** NM Sentencing Commission – 354
Short **Person Writing** Keri Thiel
Title: Restraining Orders & Firearms **Phone:** 505-259-8763 **Email:** kthiel@unm.edu

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						

(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 67 proposes a number of changes to the Family Violence Protection Act.

First, it amends Section 40-13-5 NMSA 1978, regarding orders of protection, to require that all restrained parties under a court-ordered order of protection upon a finding that domestic abuse has occurred or upon stipulation of the parties shall be required to relinquish any firearm in their possession, care, custody, or control to law enforcement or a federal firearms licensee while the order of protection is in place. HB 67 also removes the requirement that the Court find a credible threat to the physical safety of the affected household member(s) before ordering the relinquishment of the restrained party's firearms.

HB 67 then amends Section 40-13-13 NMSA 1978, regarding the relinquishment of firearms pursuant to an order of protection, to require that relinquishment occur immediately upon service of the order, rather than within 48 hours of service of the order. HB 67 further amends Section 40-13-13 to allow a court to otherwise direct the relinquishment of the restrained party's firearms.

HB 67 also amends Section 40-13-13 to add a definition of "owner" for the purposes of that section. "Owner" is defined as "a person who was a restrained party or another person who claims lawful ownership of a firearm and provides a law enforcement agency with written proof of that ownership."

HB 67 also makes conforming changes and phrasing/grammatical changes throughout Sections 40-13-5 and 40-13-13.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The changes proposed in HB 67 would likely face challenges under the Second Amendment to the U.S. Constitution and Article II, Section 6 of the Constitution of New Mexico. Although the U.S. Supreme Court recently upheld a ban on the possession of firearms by individuals subject to domestic violence restraining orders in *United States v. Rahimi*, it specifically noted that the restraining order in question in that case had been ordered after a finding that the restrained individual represented a credible threat to the physical safety of the protected party. The Court held that, "[w]hen an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment." *United States v. Rahimi*, 602 U.S. 680 (2024), available here: https://www.supremecourt.gov/opinions/23pdf/22-915_8o6b.pdf.

HB 67 applies a ban on the possession of firearms by individuals subject to orders of protection due to a finding that domestic violence has occurred, or upon stipulation of the parties, and removes the explicit requirement of a finding of a credible threat. The bill does not itself posit that a finding that domestic abuse has occurred constitutes a finding that there is a credible threat to the physical safety of the protected party or parties. However, some courts have found that a domestic violence restraining order is an implicit finding of a credible threat. *See, e.g., United States v. VanDyke*, No. 24-2861, 2025 WL 4647318 (9th Cir. Oct. 27, 2025), available here: <https://caselaw.findlaw.com/court/us-9th-circuit/117877422.html>).

Fourteen states currently require firearms to be relinquished after an order of protection is served or after a subsequent hearing, without an explicit credible threat requirement. These states are California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, New Hampshire, New Jersey, Oregon, Pennsylvania, Tennessee, Virginia, and Wisconsin.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS