

LFC Requester:

Scott Sanchez

## AGENCY BILL ANALYSIS – 2026 SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO  
[AgencyAnalysis.nmlegis.gov](mailto: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: 26January 20 Check all that apply:  
 Bill Number: HB0067 Original  Correction   
 Amendment  Substitute

**Sponsor:** Representative Joy Garratt,  
Debbie O'Malley

**Short** Restraining Order/Possession of  
 Firearms

**Agency Name  
 and Code**  
**Number:** 790 – Department of Public Safety  
**Person Writing** Deputy Chief, Carolyn Huynh  
**Phone:** (505) 681- **Email:** Carolynn.huynh@dps.

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

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

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

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

(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 amends the Family Violence Protection Act to require a restrained party to relinquish any firearm to law enforcement while an order of protection is in effect. The bill would no longer require a Court to find that the restrained party presents a credible threat to a household member before ordering that any firearm possessed by the restrained party shall be relinquished. Once the order of protection is served upon the restrained party, their firearms shall be immediately relinquished to law enforcement—as opposed to having 48 hours. The bill also makes various stylistic changes.

#### **FISCAL IMPLICATIONS**

No fiscal impact to DPS.

#### **SIGNIFICANT ISSUES**

##### **A. Public Safety**

Firearms are a known and significant risk factor in domestic violence-related homicides. Requiring immediate firearm relinquishment upon service of an order of protection closes a critical safety gap during the period of highest lethality risk. By removing conditional findings and ensuring uniform application, the bill may enhance victim safety, officer safety, and enforceability of protection orders.

##### **B. Second Amendment/Constitutional Concern**

HB67 removes the “credible threat” finding requirement from NMSA 1978, § 40-13-5(A)(2). This is constitutionally significant because the United States Supreme Court recently upheld a federal firearm prohibition for individuals subject to domestic violence protective orders that specifically include a credible threat finding. *See United States v. Rahimi*, 602 U.S. 680 (2024) (“An individual found by a court to pose a credible threat to the physical safety of another may be temporarily disarmed consistent with the Second Amendment.”). Without this individualized finding, HB67’s mandatory relinquishment scheme may be vulnerable to constitutional challenge on a case-by-case basis under the *Bruen/Rahimi* framework. *Cf. United States v. Gordon*, 137 F.4th 1153 (2025) (rejecting facial challenge to 18 U.S.C. § 922(g)(8)(C)(ii) but noting that state domestic violence orders that are not based on evidence reflecting a real threat or danger of injury to the protected party by the party enjoined may not be sufficient to disarm the party under the Second Amendment).

##### **C. Federal Law Alignment**

18 U.S.C. § 922(g)(8) requires either a credible threat finding OR an explicit prohibition on physical force for an order to qualify as a federal predicate. HB67 orders may not constitute “qualifying orders” under federal law, creating inconsistency between state and federal enforcement. *See Gordon*, 137 F.4th 1153.

#### **PERFORMANCE IMPLICATIONS**

HB 67 may improve public safety outcomes by:

- Reducing firearm access for individuals subject to orders of protection.
- Increasing compliance and clarity for enforcement.
- Enhancing consistency in court orders statewide.

#### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship or relationships to DPS.

**TECHNICAL ISSUES**

No technical issues to DPS.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

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

Status quo.

**AMENDMENTS**

None at this time.