

LFC Requester:	
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
[AgencyAnalysis.nmlegis.gov](https://www.legis.state.nm.us/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: 1-20-26 **Check all that apply:**
Bill Number: HB-81 Original ☒ Correction ☐
Amendment ☐ Substitute ☐

Sponsor: <u>Block/Lord/Pettigrew</u>	Agency Name and Code <u>AODA 264</u>
Short Title: <u>Permitless Carry of Firearms</u>	Number: _____
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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: HB 81 allows permitless open and concealed carry for adults 18 and older

- Removes firearms from the definition of “deadly weapon”
- Rewrites weapons statutes so firearm restrictions no longer apply
- Repeals 30-7-2.2 (person under 19 in-possession of a handgun)
- Repeals 30-7-2.3 (seizure and forfeiture tied to 30-7-2.2)
- Repeals 30-7-2.4 (laws governing firearms on university premises)
- Repeals 30-7-3 (firearms in licensed liquor establishments)
- Leaves 30-7-2.1 in place (unlawful carrying of a deadly weapon on school premises) but it no longer applies to firearms because firearms are removed from “deadly weapon” definition

The bill also makes the language in the statute gender neutral.

FISCAL IMPLICATIONS

It is unlikely there will be significant fiscal impacts to justice partners with respect to criminal prosecution of firearms laws as this act would repeal criminal statutes. It is unknown what impact that it would have on overall crime.

SIGNIFICANT ISSUES

Taking ‘firearm’ out of the definition of deadly weapon in the criminal code will create a likely unintended result that makes crimes involving the criminal use of a firearm less consequential than crimes committed with other weapons. Crimes that involve the use of a firearm will no longer be the same degree of crime if committed with a less effective weapon. This would mean, for example:

Assault with a gun – petty misdemeanor.

Assault with a knife – felony.

Robbery with a gun would not be an armed robbery, whereas robbery with a baseball bat would be an armed robbery.

Burglary with a firearm (not a deadly weapon) would be significantly less serious, a third degree felony, than an aggravated burglary, a second degree felony, with a hammer (deadly weapon).

The firearm enhancement statutes would become less effective as the firearm enhancement statute requires that a felony be committed before it can be implemented and many crimes involving firearms would no longer be felonies if the definition of ‘deadly weapon’ is changed to exclude firearms.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS - There would be implications for the uniform jury instructions as they relate to the definition of deadly weapon and firearm and for many of the crimes that have different consequences as a result of being committed with a deadly weapon or firearm.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP -

TECHNICAL ISSUES - Unless the definition of 'deadly weapon' were addressed in each area where the crime is different or the penalty enhanced, this would make crimes committed with firearms less severe than crimes committed with less effective weapons that still fall under the definition of deadly weapon.

OTHER SUBSTANTIVE ISSUES –

ALTERNATIVES -

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – Status Quo

AMENDMENTS