

LFC Requester:	
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**AGENCY BILL ANALYSIS
2026 SECOND SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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}

Check all that apply:

Original x **Amendment**
Correction **Substitute**

Date Jan. 20, 2026

Bill No: HB 81-280

Sponsor: <u>John Block and Stefani Lord</u>	Agency Name and Code	<u>LOPD 280</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
FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

The bill would explicitly permit any person over 18 years of age to carry a firearm, either concealed or openly, as long as they are “not prohibited by federal or state law or a court order from possessing or carrying a firearm.” The firearm could be loaded or unloaded.

The bill amends § 30-1-12 (B) NMSA 1978 by redefining “deadly weapon” as any weapon **not including a firearm**, capable of producing death or great bodily harm. The amendment removes a loaded or unloaded firearm from the definition of “deadly weapon.”

The bill also amends several existing statutes regarding “deadly weapons,” most notably it excludes firearms from the definition of carrying a deadly weapon, found in § 30-7-1 and 30-7-2 NMSA 1978, meaning that the statute unlawful carry of a deadly weapon would not apply to firearms, while maintaining the prohibition against carrying other deadly weapons such as brass knuckles and switchblades. The bill would also amend § 30-7-13 to permit the carrying on one’s person of firearms on a bus.

Finally, the bill would repeal Sections 30-7-2.2 through 30-7-3 NMSA1978, which prohibit carrying firearms at various locations (such as schools and liquor stores). Carrying a firearm in such locations would become legal.

FISCAL IMPLICATIONS

Primarily this bill provides for certain defenses not currently available. It may be hard to quantify any increased amount of litigation-related work hours by criminal defense attorneys presenting defenses consistent with these changes, as discussed below under “significant issues.” Barring some other way to reduce indigent defense workload, any increase in the number of felony prosecutions would bring a concomitant need for an increase in indigent defense funding in order to keep this problem from spreading. Of course, accurate prediction of the fiscal impact would be impossible to speculate; assessment of the required resources would be necessary after the implementation of the proposed statutory scheme. Any increase in LOPD expenditures brought about by the cumulative effect of this and all other proposed criminal legislation would bring a concomitant need for an increase in indigent defense funding to maintain compliance with constitutional mandates.

SIGNIFICANT ISSUES

Currently, because carrying visible firearms (or concealed firearms without a license) is unlawful, police can generally stop and investigate anyone publicly carrying a firearm. Under

HB 81, such conduct would be presumptively legal, including in spaces such as schools and buses, in which carrying firearms is illegal. Police might run into legal challenges for investigating armed people's felon status, or otherwise investigating public firearm possession since they must have a basis for suspecting *criminal* activity in order to detain and investigate them. If enacted, this bill could lead to increased defense claims of illegal search and seizure, resulting in motions to suppress evidence acquired during an inquiry regarding public firearm possession. *See* U.S. Const. amend. IV; N.M. Const. art. II, § 13 (search and seizure protections). Legalizing the carrying of firearms under circumstances previously penalized thus may lead to a greater likelihood of weapons cases going to trial.

In theory, legalizing this conduct should mean that the police would simply allow it. However, experience has shown that the police are proactive in investigating gun carriage (for both public and officer safety concern). For example, if someone walks onto a college campus with a rifle, police will probably be highly motivated to stop that person and investigate, even though the conduct may not be 'per se' illegal. It should be noted that even legal conduct "can" justify police intervention – but this bill will likely lead to constitutional litigation in more cases.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

Reviewer is unaware whether this legislation is germane under Art. IV, Section 5. It is not a budget bill, analyst is unaware if it has been drawn pursuant to a special message of the Governor, and it was not vetoed following the previous regular session

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. New Mexico laws pertaining to carrying firearms will remain unchanged.

AMENDMENTS

None.