

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS – 2026 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: 26 JAN 2026 *Check all that apply:*
Bill Number: HB 146 Original Correction
 Amendment Substitute

Sponsor: N. Chavez/ A. Reeb/ A. De La Cruz **Agency Name and Code:** 790 – Department of Public Safety
Short Title: Felon in Possession Penalty **Person Writing:** Major Emmanuel T. Gutierrez
Title: Felon in Possession Penalty **Phone:** 505-917-2952 **Email:** Emmanuel.gutierrez@dps.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
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
Total	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

HB-146 amends New Mexico law to increase penalties for felons who unlawfully receive, transport, or possess a firearm or destructive device. The bill raises the penalty for a first offense of felon in possession to a third-degree felony with a basic sentence of five years' imprisonment and establishes a new second-degree felony for a second or subsequent offense, punishable by nine years' imprisonment. It also elevates penalties for serious violent felons in possession by classifying the offense as a second-degree felony with mandatory sentencing restrictions. The legislation updates related sentencing statutes and makes these changes effective July 1, 2026.

FISCAL IMPLICATIONS

No fiscal implications for DPS for HB-146.

SIGNIFICANT ISSUES

HB-146 presents no constitutional risk. In *United States v. Rahimi*, the Supreme Court reaffirmed that prohibitions on firearm possession by “felons and the mentally ill” are “presumptively lawful” under the Second Amendment. *United States v. Rahimi*, 602 U.S. 680, 682 (2024). Subsequently, the Tenth Circuit has found the federal felon prohibition, 18 U.S.C. § 922(g)(1), constitutional in all its applications. *See Vincent v. Bondi*, 127 F.4th 1263 (10th Cir. 2025).

PERFORMANCE IMPLICATIONS

DPS views HB-146 as a vital and decisive move to safeguard New Mexico communities by addressing a serious gap in accountability for repeat and violent offenders who unlawfully possess firearms or destructive devices. By increasing penalties for felons caught with these weapons, especially those with violent histories, the bill directly targets individuals who pose the greatest risk of deadly harm to the public and law enforcement. The graduated penalty system is both fair and effective: it clearly discourages first-time offenders while escalating consequences for repeat violations, where previous interactions with the justice system did not change behavior. Making serious violent felon in possession a second-degree felony with mandatory sentencing ensures that those who have shown a willingness to use violence cannot return to communities with illegal firearms. HB-146 upholds the rule of law, aids frontline officers, and prioritizes the safety of victims and neighborhoods over the convenience of habitual offenders, making it an essential public safety reform.

ADMINISTRATIVE IMPLICATIONS

No administrative implications for DPS for HB-146.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship for DPS for HB-146.

TECHNICAL ISSUES

The new Subsection C creating a “second or subsequent offense” enhancement does not define how prior offenses are counted—e.g., whether out-of-state convictions qualify, whether a prior must be final, or whether multiple counts in a single case constitute separate offenses. The cross-reference update from Subsection L to Subsection N of Section 33-2-34 NMSA 1978 appears to be a technical correction conforming to prior amendments of the serious violent offenses statute.

OTHER SUBSTANTIVE ISSUES

The bill aligns New Mexico penalties more closely with the federal prohibition at 18 U.S.C. § 922(g)(1) while providing additional graduated state penalties for recidivist and violent offenders. The mandatory sentencing provision for serious violent felons—prohibiting suspension or deferral of one-third of the basic sentence—mirrors federal mandatory minimum structures and ensures meaningful incarceration for the most dangerous offenders.

ALTERNATIVES

No alternatives.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain. Felon-in-possession would remain a third degree felony with a three-year basic sentence rather than the proposed five years. No separate enhanced penalty would exist for repeat felon-in-possession offenders, and serious violent felons would continue to be charged under the current third degree felony structure with a six-year fixed term rather than the proposed second degree felony with standard sentencing.

AMENDMENTS

No amendments.