

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: 29 JAN 2026 *Check all that apply:*
Bill Number: HB 196 Original X Correction
 Amendment Substitute

Sponsor: <u>A. Reeb</u>		Agency Name and Code	Number: <u>790 – Department of Public Safety</u>
Short Title:	<u>Penalty for Receiving Stolen Firearm</u>	Person Writing	<u>Emmanuel T. Gutierrez</u>
Phone:	<u>505-917-2952</u>	Email:	<u>Emmanuel.gutierrez@dps.nm.gov</u>

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-196 amends New Mexico's receiving stolen property law to increase the criminal penalty specifically for receiving a stolen firearm. Currently, receiving a stolen firearm valued under \$2,500 is classified as a fourth-degree felony, but this bill elevates that offense to a third-degree felony. The bill maintains the existing penalty structure for other stolen property based on value, while imposing a harsher punishment for firearms to reflect their greater public safety risk.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

HB 196 addresses an important gap in New Mexico's criminal penalty structure by recognizing the heightened danger that stolen firearms pose to public safety. Under current law (Section 30-16-11(I) NMSA 1978), receiving a stolen firearm valued under \$2,500 is a fourth-degree felony carrying a maximum 18-month sentence. This bill elevates the offense to a third-degree felony with a maximum 3-year sentence under Section 31-18-15(A)(8) NMSA 1978. ATF data indicates that nearly 89 percent of crime guns recovered in New Mexico between 2017 and 2021 were found in the possession of someone other than the original purchaser, demonstrating the significant role that stolen firearms play in criminal activity. The Legislature has previously recognized the need for firearm-specific penalty enhancements, as evidenced by the existing Subsection I treatment of stolen firearms differently from other property. HB 196 builds upon this legislative framework by providing prosecutors additional tools to deter the acquisition and trafficking of stolen firearms.

PERFORMANCE IMPLICATIONS

The New Mexico Department of Public Safety strongly supports House Bill 196 because it provides an important and necessary enhancement to public safety by increasing the penalty for receiving stolen firearms. Stolen guns are often used in violent crimes, including shootings, armed robberies, and assaults, and they pose a significant threat to law enforcement officers and communities across the state. By raising the offense from a fourth-degree felony to a third-degree felony when the stolen property is a firearm valued under \$2,500, HB-196 recognizes the unique danger firearms present compared to other types of stolen property. This targeted change improves accountability and helps deter the illegal possession and trafficking of stolen guns.

HB-196 also supports DPS efforts to disrupt the pipeline of stolen firearms that fuels criminal activity. Individuals who knowingly receive stolen firearms directly contribute to black-market distribution and rising violence. Stronger penalties provide prosecutors with an additional tool to address this serious offense and send a clear message that firearm-related crimes will be treated with the utmost seriousness. DPS believes this bill will improve community safety, protect officers in the line of duty, and reduce the availability of stolen firearms in New Mexico. For these reasons, DPS urges the passage of HB-196.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS. Stolen firearms fuel both violent crime and illegal trafficking networks. According to the New Mexico Court of Appeals in *State v. Watkins*, 2008-NMCA-060, the Legislature enacted the firearm-specific penalty in Section 30-16-11 NMSA 1978 to increase penalties for receiving stolen firearms regardless of value. When it was amended next time, the amendment inserted language concerning the presumption of knowledge. *State v. Watkins*, 2008-NMCA-060, ¶ 13, 144 N.M. 66, 70. HB 196 furthers this legislative intent by providing enhanced deterrence through meaningful sentencing consequences.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain. Without HB 196, receiving a stolen firearm valued under \$2,500 will remain a fourth-degree felony with a maximum 18-month sentence, providing a limited deterrent effect against those who knowingly receive stolen firearms that may be used in violent crimes or trafficked to prohibited persons.

AMENDMENTS

None at this time.