

LFC Requester:

**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 **Amendment**
Correction **Substitute**

Date Jan. 29, 2026
Bill No: HB 197-280

Sponsor: Andrea Reeb
Short Title: Increase Penalty for Larceny of a Firearm

Agency Name and Code Number: LOPD 280
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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 amend Section H of the Larceny statute, § 30-16-1, NMSA 1978, by changing the penalty for larceny of a firearm valued at less than \$2,500 from a fourth-degree felony to a third-degree felony. If valued over \$2,500, the existing value-based provisions in Subsections E and F continue to apply.

FISCAL IMPLICATIONS

Enactment of any higher criminal penalty is likely to result in more trials, as more defendants will prefer to risk a trial than take a plea to the greater penalty. LOPD may need to hire more trial attorneys with greater experience to address these additional trials and ensure compliance with constitutional mandates of effective assistance of counsel. (Additionally, courts, DAs, AGs, and NMCD could anticipate increased costs.) Barring some other way to reduce indigent defense workload, any increase in the number of felony trials would bring a concomitant need for an increase in indigent defense funding. Assessment of the required resources would be necessary after the implementation of the proposed statutory scheme.

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.” Of course, accurate prediction of the fiscal impact would be speculative.

SIGNIFICANT ISSUES

Because the penalty for larceny between \$2,500 and \$20,000 is also a third-degree felony, this amendment would remove the gradation of penalty for firearms valued under \$20,000. (For values over \$20,000, larceny is a second-degree felony.)

Studies show that increasing criminal penalties would have little effect on rates of commission of offenses because offenses such as theft are usually crimes of opportunity without consideration of the consequences. However, even if there is no increase in the rate of larceny of firearms, the higher penalty will lead to a greater number of felony trials. While LOPD would likely be able to absorb some number of additional trials if higher penalties are enacted, LOPD may need to hire more trial attorneys with greater experience to address these additional trials and ensure compliance with constitutional mandates of effective assistance of counsel. (Additionally, courts, DAs, AGs, and NMCD could anticipate increased costs.) Assessment

would be necessary after the implementation of the proposed higher-penalty scheme.

PERFORMANCE IMPLICATIONS

A recent workload study by an independent organization and the American Bar Association concluded that New Mexico faces a critical shortage of public defense attorneys. The study concluded, “A very conservative analysis shows that based on average annual caseload, the state needs an additional 602 full-time attorneys – more than twice its current level - to meet the standard of reasonably effective assistance of counsel guaranteed by the Sixth Amendment.”

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/lsc-laid-moss-adams-nm-proj.pdf

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 setting the penalty for theft of firearms will remain unchanged.

AMENDMENTS

None.