

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR 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: January 28, 2026 *Check all that apply:*
Bill Number: SB 160 Original Correction
 Amendment Substitute

Sponsor: Antonio Maestas **Agency Name and Code Number:** Administrative Office of the District Attorneys - #264
Short Title: Increase Alteration of Firearm Crime Sentence **Person Writing:** M. Anne Kelly
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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:

Section 1 amends Section 31-18-16 entitled “Use, Brandishing or Discharge of Firearm – Alteration of Basic Sentence – Suspension and Deferral Limited.”

Subsection A increases the mandatory penalty for a separate finding that a firearm was used during the commission of aggravated burglary, or in relation to a drug transaction, or during a serious violent offense from one year to two years.

Subsection B increases the mandatory penalty for a separate finding that a firearm was brandished in the commission of a noncapital felony from three years to six years.

Subsection C increases the mandatory penalty for a separate finding that a firearm was discharged in the commission of a noncapital felony from five years to ten years.

Subsection D increases the mandatory penalty for a second or subsequent offense when there is a separate finding that a firearm was used, brandished, or discharged in relation to a drug transaction or during the commission of aggravated burglary or a serious violation offense from five years to ten years.

Subsection G(3) is amended to correct the citation to the definition of “serious violent offense” in Section 33-2-34.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None for this agency.

SIGNIFICANT ISSUES

The intent of this statute is to deter the use of firearms in committing felonies. *State v. Trujillo*, 1978-NMCA-041, 91 N.M. 641.

The imposition of these sentences, if the requisite finding is made by the court or a jury, is mandatory. The Supreme Court has also held that Section 31-18-16 can authorize multiple punishments for the commission of a noncapital felony with a firearm because the section specifically authorizes cumulative punishment under two statutes, regardless of whether those two statutes proscribe the same conduct. *State v. Baroz*, 2017-NMSC-030. “The legislative policy behind the firearm sentence enhancement is that a noncapital felony, committed with a firearm, should be subject to greater punishment than a noncapital felony committed without a firearm because it is more reprehensible.” *Id.* ¶ 27. As such, sentences for crimes using firearms can be greatly increased with mandatory incarceration.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 52 makes the same amendment to Subsection G(3) (and other statutes) to cite to the correct subsection of Section 33-2-34.

HB 196 increases the penalty for the crime of receiving a stolen firearm valued at less than \$2,500 from a fourth to a third degree felony.

HB 197 increases the penalty for larceny of a firearm valued at less than \$2,500 from a fourth to a third degree felony.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

n/a

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

n/a