

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS  
2026 REGULAR 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:** SB 160-280

**Sponsor:** Antonio Maestas  
Increase Alteration of Firearm  
Crime Sentence

**Agency Name  
and Code**            LOPD-280  
**Number:** \_\_\_\_\_  
**Person Writing**            Steven J. Forsberg

**Short  
Title:** \_\_\_\_\_

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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
<b>Total</b>						

(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: The bill would increase the basic sentence enhancements for the use, brandishing, and discharge of a firearm as prescribed by NMSA 1978, Section 31-18-16.

<u>Offense</u>	<u>Current enhancement</u>	<u>Bill's Enhancement</u>
Use of a firearm	1 year	2 years
Brandishing of a firearm	3 years	6 years
Discharge of a firearm	5 years	10 years
Second or subsequent offense of any of the above.	5 years	10 years

**FISCAL IMPLICATIONS**

Although accurate prediction of the fiscal impact of SB 60 are impossible to make, they may be substantial. The bill would effectively double sentence enhancements for firearm use/brandishing/discharge during the commission of a felony, which are already added *on top of* the underlying felony sentence.

Significant increases in sentences creates a higher likelihood of cases going to trial (rather than being bargained), which increases strain on the courts, district attorneys, and public defenders. Additionally, if the sentence is served in prison it will increase the expenses of the Department of Corrections by a corresponding amount.

These proposed changes to the criminal code will result in a corresponding need for more attorneys, investigators, and support staff for LOPD. The agency cost of an LOPD Associate Trial Attorney's mid-point salary including benefits is \$104,106.43 in Albuquerque/Santa Fe and \$112,030.39 in the outlying areas (due to salary differential required to maintain qualified employees). Recurring statewide operational costs per attorney would be \$11,697 with start-up costs of \$5,000; additionally, average support staff (secretarial, investigator and social worker) costs per attorney would total \$101,277.57.

## **SIGNIFICANT ISSUES**

These enhancements have been amended twice since 2020. In 2020, the enhancement was raised from one year to five when a firearm was brandished. In 2022, the enhancement was expanded to one year for “use,” three years for “brandishing,” and five years for “discharge.” The enhancements are pursued and imposed with regularity to increase the basic sentences for already significant felony sentences. For example, a second-degree felony already has a nine-year sentence, the enhancement therefore results in a 10, 12, or 14-year total sentence for such a crime. Thus, the enhancement duration cannot be viewed in isolation; it is not *itself* the criminal act, but simply an enhancement of the penalty for the underlying crime. New Mexico’s sentencing scheme is comprehensive and does not lack tools for achieving serious consequences when appropriate.

There is no evidence to show that increased penalties deter criminal behavior. The New Mexico Sentencing Commission recently published a report that includes many evidence-based recommendations for reducing gun violence in our state. While increasing penalties is not the solution, other options are available and include:

- Law enforcement agencies may focus either on areas with high crime or particular offenders.
- Departments of Health might take the lead either through a public health approach or by offering therapy to offenders.
- Municipalities might choose to design outdoor environments in ways that discourage crime or they might pass laws restricting possession of firearms.
- Alternatively, communities might combine one or more of the approaches simultaneously, as Albuquerque has done.

See Policy Brief: Evidence-Based Initiatives to Reduce Street Violence: A Review of Promising Approaches (January 2022), <https://nmsc.unm.edu/reports/2022/policy-brief-evidence-based-initiatives-to-reduce-street-violence-a-review-of-promising-approaches.pdf>

## **PERFORMANCE IMPLICATIONS**

**None.**

## **ADMINISTRATIVE IMPLICATIONS**

**None.**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**None.**

## **TECHNICAL ISSUES**

**None.**

## **OTHER SUBSTANTIVE ISSUES**

**None.**

## **ALTERNATIVES**

**None.**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The conduct which is already criminalized will continue to be punished at existing levels.

## **AMENDMENTS**

**None.**