

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: 28 JAN 2026 *Check all that apply:*
Bill Number: SB160 Original Correction
 Amendment Substitute

Sponsor: Antonio Maestas **Agency Name and Code:** 790 – Department of Public Safety
Short Title: Increase Alteration of Firearm Crime Sentence **Person Writing:** Emmanuel T. Gutierrez
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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

Senate Bill 160 (SB-160) proposes stricter criminal sentencing penalties in New Mexico for offenses involving the use, brandishing, or discharge of a firearm. The bill amends Section 31-18-16 NMSA 1978 by increasing the additional prison time added to a basic sentence when a firearm is involved in a drug transaction, aggravated burglary, or a serious violent crime. Specifically, the enhancement for firearm use increases from one year to two years, brandishing increases from three years to six years, and discharge increases from five years to ten years. For second or subsequent offenses, the enhancement increases to ten years. The bill also retains provisions for youthful offenders, requires a separate finding of fact by the court or jury, and confirms that firearms used in these crimes are subject to seizure and forfeiture under the Forfeiture Act.

FISCAL IMPLICATIONS

No fiscal implications for DPS.

SIGNIFICANT ISSUES

No significant issues for DPS.

Article II of the New Mexico Constitution allows for reasonable criminal regulation to protect life and safety. New Mexico courts apply rational basis review to sentencing schemes that do not implicate suspect classes or fundamental rights. The Legislature needs only to show a reasonable relationship between firearm involvement and increased punishments. SB 160 increases penalties for firearm-involved offenses in an environment where gun violence is persistent throughout the state, and enhanced penalties are rationally related to protecting public safety statewide.

This type of regulation falls under the State's police power and is consistent with Article II, Sections 6, 13, and 18 of the New Mexico Constitution. New Mexico law has long recognized firearm use as an aggravating factor warranting enhanced punishment. *See* NMSA 1978, § 31-18-16. Also, New Mexico law already includes sentence enhancements, such as classification of serious violent offenses and habitual-offense enhancements. *See* NMSA 1978, § 31-18-17. New Mexico courts have upheld such enhancements, including firearm-based enhancements, as consistent with legislative authority and proportional punishment. Doubling penalties builds on this existing framework by addressing current firearm-related violence trends, not by creating a new legal concept.

Article II, Section 6 protects lawful possession and use, not the use of firearms in criminal conduct. The penalty enhancements included in SB 160 punish conduct during a crime, not lawful firearm possession or ownership. SB 160 does not regulate who may possess firearms; it regulates the heightened danger created when a firearm is used to commit a crime. Similarly, Article II, Section 18 due process protections are woven into the bill.

PERFORMANCE IMPLICATIONS

The Department of Public Safety strongly supports SB-160 as a necessary and targeted improvement to New Mexico's criminal sentencing system to address the increasing threat posed by firearms in serious felony cases. SB160 raises the mandatory sentence enhancements for offenders who use, brandish, or discharge a firearm during drug trafficking, aggravated burglary, or serious violent crimes. By doubling current enhancements—raising firearm-related sentences from one year to two years, brandishing from three years to six years, and discharge from five years to ten years—the legislation enhances accountability and emphasizes that crimes involving firearms pose a much greater risk to victims, officers, and the public. The types of criminal incidents

this bill addresses are often the ones which pose the greatest danger to public safety. The deterrence of criminals using firearms in the commissions of their crimes is critically important for overall public safety. This deterrence can prevent the types of incidents from happening that lead to higher levels of violent crime, such as Aggravated Battery with Great Bodily Harm and Homicide.

SB-160 also aids law enforcement and prosecutors by ensuring repeat firearm-related offenders face significantly higher penalties, with second or subsequent offenses carrying a ten-year enhancement. The bill maintains due process protections through requiring a separate finding of fact by the court or jury and affirms that firearms used in these crimes are subject to seizure and forfeiture. Overall, SB-160 acts as a strong deterrent against armed criminal behavior, disrupts violent drug and burglary networks, and supports DPS's mission to reduce firearm-related violence and enhance public safety statewide.

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.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.