

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 January 28, 2026
Bill No: SB 167-280

Sponsor: Antonio Maestas
Short Title: Crime of Carrying a Deadly
Weapon on School Grounds

Agency Name and Code 280-LOPD
Number: _____
Person Writing MJ Edge
Phone: 505-395-2843 **Email** matthew.edge@lopdnm.us

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)

Duplicates/Conflicts with/Companion to/Relates to: None known
Duplicates/Relates to Appropriation in the General Appropriation Act: None known

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 167 would amend the criminal statute NMSA 1978, Section 30-7-2.1 to elevate the crime of unlawful carrying of a deadly weapon on school premises from a fourth- to a third-degree felony.

The bill also would amend the definition of school premises to remove distinctions between different types of public schools (elementary, secondary, etc.), specify that the premises must be under the “authority” instead of the “supervision” of a school governing body, and expand the law to apply to premises under the authority of a charter school governing body.

FISCAL IMPLICATIONS

Increased criminal penalties have a tendency to disincentivize plea bargains, so it is likely that enactment of SB 167 would result in an increase of trials and concomitant increase in indigent defense workload. Barring some other way to reduce that workload, any increase in the number of felony trials would bring a concomitant need for an increase in indigent defense funding in order to keep this problem from spreading. Of course accurate prediction of the fiscal impact would be impossible to speculate; assessment of the required resources would be necessary after the implementation of the proposed statutory scheme.

As a more severe felony, these prosecutions could lead to an increase in incarceration rates, which would increase costs and population in Department of Corrections.

SIGNIFICANT ISSUES

Recognizing an increased prevalence of teenagers carrying firearms in New Mexico in recent years, Analyst notes that the most likely recipients of charges under this legislation would be the students themselves. As this offense is a delinquent act when committed by a juvenile, there is actually no difference in penalty between a “third” or “fourth” degree felony as the felony degree is not applied in delinquency proceedings. Certainly it could affect a Children’s Court’s assessment of the seriousness of the conduct, but will not have a direct impact on consequence. For any student who is eighteen years old however, the felony would be pursued as an adult, where the three-year sentence could have very significant consequences for a high schooler’s future.

Finally, Analyst notes that there has been no research that has found that increasing

penalties has a deterrent effect on the commission of crimes. Therefore, this change would, at most, lead to an increase in incarceration, which would increase costs of prosecuting and defending cases, and an increased population in Department of Corrections when charged against adults, but not any beneficial impact on public safety.

Punishment has been one of the preferred methods to address damaging and unwanted behavior. However, decades of empirical work about the effects of punishment (including incarceration and capital punishment) on crime actually show that there is no conclusive evidence that stricter punishment deters criminal conduct. The research finds that the certainty of punishment is more important than its severity, and that punishment only deters if there is a threshold level of certainty of getting caught and punished. These insights have three implications for enforcement practice and for compliance systems that use sanctions: focus more on detecting violations than on stronger sanctions, communicate about law enforcement and surveillance work, and keep in mind that relying on tougher punishment alone is destined to fail. See https://wp.nyu.edu/compliance_enforcement/2021/12/28/the-behavioral-code-four-behavioral-science-insights-for-compliance-and-enforcement/

Especially children are particularly incapable of making thoughtful choices after deliberating on the consequences. The greatest preventor of gun violence is reducing *access* to guns, and not punishing possession of them with the same penalty as shooting someone. See NMSA 1978, 30-3-5(C) (aggravated battery inflicting great bodily harm – the crime applicable to a non-fatal gunshot injury – is a third-degree felony).

PERFORMANCE IMPLICATIONS

None noted

ADMINISTRATIVE IMPLICATIONS

None noted

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted

TECHNICAL ISSUES

None noted

OTHER SUBSTANTIVE ISSUES

None noted

ALTERNATIVES

Status quo.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo. The crime of unlawful carrying of a deadly weapon on school premises would

continue to be prosecuted as a fourth-degree felony. Unlawful carrying of a deadly weapon on the premises of a charter school would remain subject to prosecution under NMSA 1978, Section 30-7-2.

AMENDMENTS

None noted