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 167   Original ___ *X* Correction __
                                 Amendment __   Substitute __

Sponsor: Maestas

Short Title: Crime of Deadly Weapon on School Premises

Agency Name and Code Number: NM Sentencing Commission – 354

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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:

Senate Bill 167 amends Section 30-7-2.1 NMSA 1978, regarding the unlawful carrying of a deadly weapon on school premises, to increase the penalty for that offense from a fourth degree felony to a third degree felony.

SB 167 also amends Section 30-7-2.1 to make clarifying and grammatical changes to the definition of "school premises".

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.

SIGNIFICANT ISSUES

In FY 2024, the most recent year for which the NMSC has access to court data, there were 64 cases in which unlawful carrying of a deadly weapon on school premises was the lead offense. Of these, 30% were convicted, 22% received a conditional discharge, 47% were dismissed, and 2% resulted in a finding of incompetency.

As of June 30, 2024, there was one person incarcerated for unlawful carrying of a deadly weapon on school premises, with an expected length of stay of 0.7 years. That expected length of stay is shorter than the median length of stay for a fourth degree felony, which was 1.07 years in FY 2024.

Based on the length of stay for individuals released from NM prisons in FY 2024, median expected length of stay for a third degree felony is 1.58 years.

It is difficult to determine what the effect of passing SB 167 would be on the state's prison population, but it would likely lead to more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state's prison system is $153.08/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS