

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS – 2026 SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, an amendment, a substitute, or a correction of a previous bill}*

**Date Prepared:** 28 JAN 2026 *Check all that apply:*  
**Bill Number:** SB167 Original  Correction   
 Amendment  Substitute

**Sponsor:** Antonio Maestas **Agency Name and Code:** 790 – Department of Public Safety  
**Short Title:** Crime of Deadly Weapon on School Premises **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
<b>Total</b>	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 SB-167 (2026) enhances public safety protections on school property by raising the penalty for unlawfully carrying a deadly weapon from a fourth degree to a third-degree felony. The bill also clarifies the definition of “school premises” to include not only school buildings, grounds, playgrounds, playing fields, parking areas, and school buses but also any other public locations where school-related and sanctioned activities are taking place. The legislation keeps existing exemptions for peace officers, school security, authorized training programs, and people lawfully carrying a weapon in a private vehicle for protection. Overall, SB-167 aims to improve deterrence and accountability for weapons violations in and around school environments.

### **FISCAL IMPLICATIONS**

No fiscal implications for DPS.

### **SIGNIFICANT ISSUES**

New Mexico courts interpret Article II, Section 6 of the New Mexico Constitution in harmony with the Second Amendment while recognizing the State’s authority to regulate firearms in sensitive places. Federal precedent—including *District of Columbia v. Heller* and *New York State Rifle & Pistol Ass’n v. Bruen*—explicitly identifies schools as sensitive locations where heightened regulation of firearms is constitutionally permissible. Courts have long upheld penalties based on locations (schools, courthouses, government buildings), instrumentality (firearms, deadly weapons), and victim class (children or other vulnerable populations). The State has a compelling and heightened interest in protecting minors and maintaining schools as safe, controlled environments dedicated to education. Thus, the Legislature may lawfully impose heightened criminal consequences for conduct that endangers students, even where similar conduct would be punished less severely. The State already recognizes that schools are sensitive areas. *See* NMSA 1978, § 30-7-2.1 and § 30-31-20. Enhancing the degree of a crime for firearms in school environments fits squarely within this well-established framework and does not constitute overcriminalization.

### **PERFORMANCE IMPLICATIONS**

The Department of Public Safety (DPS) endorses SB-167 as an important public safety measure that enhances protection for students, educators, and communities by increasing the penalty for unlawfully carrying a deadly weapon on school grounds from a fourth-degree felony to a third-degree felony. This change reflects the greater danger weapons pose in school environments and highlights the seriousness of these crimes. By raising the charge, SB167 boosts deterrence, provides prosecutors with stronger tools for accountability, and ensures sentencing reflects the serious harm weapons can inflict in educational settings.

Additionally, SB167 provides important legal clarity by expanding and clarifying the definition of “school premises” to include not just school buildings and grounds but also other public places where school-related and authorized activities occur. SB 167 also expanded to include charter schools. New Mexico has 100 charter schools, which serve approximately 31,703 students. Public School Review, <https://www.publicschoolreview.com> (last visited Jan. 28, 2026). This expansion ensures law enforcement has clear authority to act in areas where students gather outside traditional campus boundaries, closing loopholes that could otherwise hinder enforcement. The bill maintains appropriate exemptions for peace officers, school security, and authorized activities, while highlighting student safety and reaffirming DPS’s commitment to preventing violence and maintaining safe learning environments across the state.

### **ADMINISTRATIVE IMPLICATIONS**

No administrative issues for DPS.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship, relationship issues for DPS.

**TECHNICAL ISSUES**

No technical issues for DPS.

**OTHER SUBSTANTIVE ISSUES**

No substantive issues for DPS.

**ALTERNATIVES**

No alternative issues for DPS.

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

Status Quo will Remain

**AMENDMENTS**

No amendments at this time.