



LFC Requester: Sanchez

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2026 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: January 28 2026

Bill No: SB167

Committee Referrals: SJC/SFC

**Agency Name and Code:** PED - 924

Sponsor: Maestas

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CRIME OF DEADLY

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Short WEAPON ON SCHOOL

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	N/A	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of January 28, 2026.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

**Synopsis:** Senate Bill 167 (SB167) would change the crime of unlawful carrying of a deadly weapon on school premises from a fourth-degree felony to a third-degree felony.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

Per the [Criminal Code](#), “deadly weapon” means any firearm, whether loaded or unloaded; or any weapon which is capable of producing death or great bodily harm, including but not restricted to any types of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives, dirk knives and all such weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including swordcanes, and any kind of sharp pointed canes, also slingshots, slung shots, bludgeons; or any other weapons with which dangerous wounds can be inflicted.

Existing statute ([Section 30-7-2.1 NMSA 1978](#)) makes it unlawful for individuals to carry a deadly weapon on school premises, unless the individual is:

- (1) a peace officer;
- (2) school security personnel;
- (3) a student, instructor or other school-authorized personnel engaged in army, navy, marine corps or air force reserve officer training corps programs or state-authorized hunter safety training instruction;
- (4) a person conducting or participating in a school-approved program, class or other activity involving the carrying of a deadly weapon; or
- (5) a person older than 19 years of age on school premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.

Making the crime of carrying a deadly weapon on school premises a third-, rather than fourth-degree felony naturally carries a corresponding increase in potential penalties. Section 31-18-15 NMSA 1978 of the Criminal Sentencing Act sets the basic penalty for a fourth-degree felony at 18 months of imprisonment, while for a third-degree felony, it would be three years of imprisonment. A third-degree felony that results in death of a human being carries a basic penalty of six years imprisonment.

According to the Learning Policy Institute (LPI), a nonprofit and nonpartisan research organization, [ample](#) research shows that bringing guns into schools, whether they are carried by teachers or by security officers, makes them less safe. LPI also notes the following:

- The way to make schools safe is to invest in student supports, including social and emotional learning and mental health supports; community involvement, including access for children to health and social services supports that address the trauma many experience; and professional development for teachers and school staff.
- Teaching students how to recognize and manage their emotions, access help when they

need it, and learn problem solving and conflict resolution skills can make a huge difference in school safety.

- A meta-analysis of more than 200 studies found that schools using social-emotional learning programs focused on these skills make schools decidedly safer, reducing bullying and poor behavior, as well as supporting increased school achievement. A [second meta-analysis](#) found that these benefits are sustained over time, positioning students and their schools for greater success.

According to the 2023 New Mexico Youth Risk and Resiliency Survey, less than one percent (0.8 percent) of high school students surveyed reported they have carried a gun on school property, and 6.4 percent have carried a gun in the past 12 months (not including carrying a gun for hunting, sport or target shooting), which is 2 points higher than the national rate. The rate was nearly three times higher for boys than girls (9.6 percent vs. 3.4 percent, respectively). In grades 6-8, 35.3 percent of students reported carrying a weapon, such as a gun, knife, or club, in the past 30 days. Students who carried a gun at school were more likely to be bullied, cyber bullied, treated unfairly due to their race or ethnicity, or have skipped school due to safety concerns. They were also more likely to experience depression, anxiety, suicidal ideation, to have made a suicidal action and to be injured in a suicidal action.

#### **PERFORMANCE IMPLICATIONS**

None.

#### **ADMINISTRATIVE IMPLICATIONS**

None.

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

None.

#### **TECHNICAL ISSUES**

None.

#### **OTHER SUBSTANTIVE ISSUES**

Careful consideration should be made when increasing felony status for minors.

#### **ALTERNATIVES**

None.

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

If SB163 is not passed, then the crime of unlawful carrying of a deadly weapon on school premises would remain a fourth-degree felony.

## **AMENDMENTS**

None.