

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: 2/12/2026

Check all that apply:

Bill Number: SB261Original Correction Amendment Substitute Sponsor: Joseph CervantesAgency Name
and Code770- NMCDShort Title: Public, Peace, Health, Safety &Person Writing A. Griego QuintanaWelfarePhone: 505-479-2296 Email Anisa.griego-quinta@cd.nm.gov**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	0	0	0	0	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

Synopsis: Senate Rules Committee Substitute for Senate Bill 261 prohibits police officers from carrying a gun at a polling place unless an election official asks them to be there.

In 2024, with Senate Bill 5, lawmakers limited people from carrying firearms at polling locations but made exceptions for certified police officers, either on-duty or acting in line with their policies.

The substitute strikes the above exceptions but allows police to respond to a call for enforcement and to carry firearms if the call is made by the presiding judge, an election judge, a county clerk or the secretary of state “to assist in maintaining order and orderly control of access or to respond to a disaster or emergency event.”

The substitute, in Subsection B, retains the original bill’s exemption for people carrying a gun in a private automobile or “other private means of conveyance.”

The substitute, at the end of Subsection C, adds the phrase “in addition to any other penalty provided by law,” which appears to allow the penalty for conviction to be in addition to any others deemed appropriate by a court in the event the defendant is charged with other crimes.

While the substitute doesn’t explicitly say so, the bill’s sponsor told the committee on Feb. 11 that SB 261 is “principally targeted” at U.S. Immigration and Customs Enforcement because of statements made by the president and his advisors in the previous week.

In its unsubstituted form, SB 261 made it a petty misdemeanor to possess a firearm at a polling place during early voting or on election day and removed exceptions for police, concealed handgun license holders and people conducting lawful non-election business near a polling place.

FISCAL IMPLICATIONS

None for the New Mexico Corrections Department.

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None