

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS – 2026 SESSION

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(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: 17FEB26 *Check all that apply:*
Bill Number: SM28 Original Correction
 Amendment Substitute

Sponsor: Sen. Shannon D. Pinto, Sen. Harold Pope, Sen. Linda M. Lopez **Agency Name and Code:** 790 – Department of Public Safety
Short Title: Study Gun Violence **Person Writing:** Matthew Broom, Deputy Chief
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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

(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

(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	NFI	NFI	NFI	N/A	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 Memorial 28 (SM-28) Requests the Crime Victims Reparation Commission to convene a statewide crime prevention task force to study gun violence in New Mexico and to make recommendations for addressing the issue.

FISCAL IMPLICATIONS

SM-28 contains no appropriation. Future legislative changes could create unfunded mandates.

Short-Term:

1. DPS participation in task force meetings and stakeholder tables.
2. Staff time for data compilation, research support, and presentations.
3. Potential need for analytical support related to response times, rural coverage, and crime trends.

If Recommendations Lead to Legislation, long term DPS could encounter costs for:

1. Expanded reporting requirements on rural law enforcement response times.
2. IT modifications for improved data tracking and transparency.
3. Increased background check workload if statutory changes are proposed.
4. Additional FTEs for data analytics, compliance, and reporting.

SIGNIFICANT ISSUES

SM-28 highlights several key concerns that may affect DPS operations.

1. Identifies gaps in reliable rural law enforcement response-time data—particularly in areas such as Gallup, Tohatchi, and Shiprock, which may create expectations for DPS to develop standardized, statewide response-time metrics.
2. The memorial underscores broader deficiencies in firearm and crime data collection, potentially requiring the Law Enforcement Records Bureau (LERB) to enhance reporting systems and data quality controls.
3. By emphasizing the high per-incident and statewide financial costs of gun violence, the memorial may increase legislative focus on measurable performance outcomes tied to DPS activities.
4. The adoption of a comprehensive public health framework signals a possible expansion of DPS's role beyond traditional enforcement into prevention strategy development and cross-sector policy evaluation.

PERFORMANCE IMPLICATIONS

- A. Staff Workloads - DPS is explicitly required to provide representation, and many divisions will likely impacted.
- Office of the Secretary
 - State Police
 - Legal Bureau
 - Crime Records / UCR
 - NICS / firearms background check personnel

Participation in:

- Full task force meetings
- Stakeholder tables
- Subcommittee work

B. Data & Reporting Capacity - the memorial highlights

- Rural response times
- Data gaps in law enforcement response

Issues:

- DPS may not currently track standardized response time metrics across all jurisdictions.
- Rural law enforcement agencies may operate independent systems.
- Data aggregation across tribal, federal, and local agencies could be complex.

The memorial could have notable impacts on DPS performance, affecting both operational efficiency and the ability to meet legislative reporting expectations. Potential benefits include:

1. Improved crime data accuracy and reporting consistency.
2. Stronger interagency coordination.
3. Data-driven evaluation of prevention strategies.

While these potential benefits could enhance DPS operations and decision-making, they are accompanied by potential risks that may challenge current resources and systems, like:

1. Increased reporting demands to legislative committees.
2. Development of new rural performance metrics without additional resources.
3. Potential strain on existing records management systems.

Without adequate resources and system upgrades, increased reporting requirements and new performance metrics—particularly for rural response times—could strain existing records management systems and affect data accuracy and timeliness.

ADMINISTRATIVE IMPLICATIONS

SM-28 would create several administrative responsibilities for DPS, requiring coordination across multiple agencies and stakeholders. This includes appointing DPS representatives to multiple stakeholder tables, collaborating with tribal law enforcement and federal partners, and working with education and higher education entities. DPS would also need to develop standardized definitions for key metrics such as response time, firearm-related incidents, and hoax threat reporting. While these activities could strengthen collaboration and data consistency, they would also increase administrative workload and complexity. If legislative recommendations lead to new reporting mandates or rulemaking, DPS could face a substantial rise in staff time, procedural obligations, and ongoing administrative demands.

A primary legal concern is whether the task force must operate under NMSA 1978 § 10-15-1. This would depend on whether the task force is considered to hold any policymaking functions, which would require the meeting to be open to the public and to provide advance notice. To make a determination, Courts look at the *actual authority*, rather than the label given to the group. This might be a possibility, depending on how recommendations are handled and the level of authority the task force exercises.

Additionally, the Inspection of Public Records Act (IPRA), NMSA 1978 § 14-2-1, will be implicated. All records, including agendas, outcomes, emails, drafts, and research notes, will be public records if the task force is governmental or uses public funds. If so, a determination would need to be made as to how to comply with IPRA.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The memorial positions DPS to work closely with public health, education, higher education, and victim services sectors, while also expanding collaboration with tribal and federal law enforcement agencies. This

alignment could improve coordination and policy development, but may overlap with existing initiatives such as crime reporting modernization or prior firearm policy task forces. Conflicts could arise from divergent stakeholder perspectives—such as gun advocates versus prevention groups—Second Amendment considerations, and tribal sovereignty or jurisdictional boundaries, particularly in evaluating rural response times.

TECHNICAL ISSUES

the task force is directed to examine current laws and recommend measures while respecting 2nd Amendment Rights.

The New Mexico Constitution, Article II, § 6, protects the right to keep and bear arms. The current federal doctrine, post Bruen (i.e., historical and tradition analysis), relies heavily on legislative findings. So, even though the task force is created solely to study crime trends and recommend laws, it can still create pre-enactment litigation risk. Courts examine legislative intent and legislative record when evaluating firearm restrictions. If the task force study results in controversial outcomes, such as framing gun ownership as dangerous, imposing bans or limits on gun ownership or purchases, or using alarming public-health language, and the report is used as a basis for future laws, the task force's work and report become easier to challenge. A poorly drafted report can doom the action taken in its wake, especially when later-introduced legislation is challenged in court.

Lastly, gun-violence studies typically require access to sensitive datasets. The taskforce created by SM 28 includes the involvement numerous public agencies including the crime victims reparation commission, the public education department, the higher education department, the department of public safety, the department of health, the health care authority, the children, youth and families department, the department of game and fish, the university of New Mexico, Indian nations, tribes and pueblos of New Mexico, pueblo law enforcement and federal and local law enforcement agencies, gun advocates and distributors and anti-domestic violence and sexual assault groups. If these agencies share data with the task force as part of the review, including hospital data, school discipline dates, juvenile justice data, criminal history data, firearm transaction data, or domestic violence protective-order data, the risk of litigation may be elevated due to claims of privacy violations. Even aggregate reports can violate privacy if small-area data identifies individuals, especially in rural communities in New Mexico.

A. Examination of State & Federal Gun Laws

Potential technical considerations:

- Federal preemption analysis
- Interaction with ATF and NICS systems
- Concealed carry permitting processes (if implicated)
- Constitutional scrutiny (post-Bruen framework)

B. Rural Response Time Data Gaps

The memorial explicitly notes:

- Scarcity of reliable data regarding rural response times

Technical challenges:

- Inconsistent CAD systems statewide
- Tribal and federal data-sharing limitations
- Lack of standardized metrics

Addressing this may require:

- System upgrades
- Data integration tools
- Interoperability agreements

Furthermore:

1. Current systems may not uniformly capture rural law enforcement response times.
2. Integration challenges exist between state, tribal, and federal reporting systems.
3. Legacy records management and data systems may lack interoperability for cross-agency analysis.
4. Development of standardized definitions for response time, firearm incidents, and hoax threat reporting may require system updates or new reporting protocols.
5. Data quality and timeliness could be affected if new metrics are implemented without system modernization.

OTHER SUBSTANTIVE ISSUES

The memorial may create high public expectations for rapid improvements in rural response times, present reputational risks if data reveal significant geographic disparities, raise equity concerns between rural and urban service delivery, and introduce legal implications if recommendations lead to changes in firearm regulations.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will continue.

AMENDMENTS

None at this time.