

- Third-degree felony; and
- Fourth-degree felony.

The Criminal Procedure Act (Chapter 31 NMSA 1978) outlines sentencing guidelines for individuals found guilty of felonies. SB167 increases the criminal penalty for unlawful carrying of a deadly weapon on school premises from a fourth-degree felony to a third-degree felony. The bill would raise the basic sentence for this crime from 18 months in prison to three years imprisonment, which may include a court-imposed fine of \$5,000 for both felony degrees.

Juvenile Offenders. SB167's proposed changes to the Criminal Code would not impact juvenile offenders unless a court chooses to try the child as an adult. Under the New Mexico Children's Code, a juvenile found to have committed a third- or fourth-degree felony would likely be classified as delinquent. In practice, this would make them eligible for disposition by the court for supervision, care, and rehabilitation. Disposition can include commitment to a facility for a short-term commitment of one year, or a long-term commitment of no more than two years.

Unlawful Carrying of a Firearm on School Premises. Current state law makes it unlawful to carry a deadly weapon on a school campus unless the individual in question is:

- A peace officer;
- School security personnel;
- A student, instructor, or other school-authorized personnel involved in Army, Navy, Marine Corps, or Air Force reserve officer training corps programs or state-authorized hunter safety training instruction;
- A person conducting or participating in a school-approved program, class, or activity involving a deadly weapon; or
- A person 19 years or older in a private vehicle on school premises who is carrying the deadly weapon for their own lawful protection or for the protection of another person.

SB167 would not make any changes to these exemptions.

ADMINISTRATIVE IMPLICATIONS

SB167 would not require PED, school districts, or charter schools to alter their operations. Any administrative implications would likely be concentrated in the justice system, including the Administrative Office of the Courts, the Administrative Office of the District Attorney, the Corrections Department, and the Law Offices of the Public Defender.

OTHER SIGNIFICANT ISSUES

Crime of Making a Shooting Threat. SB167 relates to recent legislative efforts to increase criminal penalties for gun-related offenses impacting school campuses. In the 2025 legislative session, [House Bill 31 \(HB31\)](#) and [Senate Bill \(SB18\)](#) proposed raising the criminal penalty for making a shooting threat from a misdemeanor to a fourth degree felony. SB18 was not adopted, but HB31 was rolled into an omnibus crime package, [Laws 2025, Chapter 4 \(HB8\)](#), that was adopted and signed into law.

SOURCES OF INFORMATION

- LESC Files
- Department of Public Safety (DPS)

- Corrections Department (NMCD)
- Children, Youth, and Families Department (CYFD)
- Sentencing Commission (NMSC)
- Law Offices of the Public Defender (LOPD)
- Administrative Office of the District Attorney (AODA)
- Administrative Office of the Courts (AOC)
- Public Education Department (PED)

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