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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 167

SHORT TITLE: Crime of a Deadly Weapon on School Premises

SPONSOR: Maestas

LAST ORIGINAL
UPDATE: _____ **DATE:** 02/11/2026 **ANALYST:** Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
NMCD	No fiscal impact	At least \$27.2	At least \$27.2	At least \$54.4	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Administrative Office of the Courts
Administrative Office of the District Attorneys
Law Offices of the Public Defender
New Mexico Sentencing Commission
Children, Youth and Families Department
Corrections Department
Department of Public Safety
Public Education Department

SUMMARY

Synopsis of Senate Bill 167

Senate Bill 167 (SB167) amends Section 30-7-2.1 NMSA 1978 to increase the penalty for unlawful carrying of a deadly weapon on school premises from a fourth-degree felony to a third-degree felony. By raising the felony classification, the bill increases the potential term of imprisonment and sentencing exposure under the Criminal Sentencing Act for individuals convicted of this offense.

The bill also amends Section 30-7-2.1 NMSA 1978 to clarify the definition of “school premises” and refine the statutory language describing the locations to which the prohibition applies.

This bill does not include an effective date and, as a result, would take effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

Incarceration drives costs in the criminal justice system, so any changes in the number of individuals in prison or jail and the length of time served that might result from this bill could have a moderate fiscal impact. SB167 increases the penalty for unlawful carrying of a deadly weapon on school premises from a fourth-degree felony to a third-degree felony and expands the definition of “school premises.” The increase in felony degree is expected to lengthen the potential term of incarceration for individuals convicted under this statute. Increasing sentencing penalties will likely increase the prison population in New Mexico over time, thereby increasing long-term costs to the general fund. In addition to any increase in charges resulting from the expanded definition of “school premises,” longer sentences may reduce releases relative to admissions, thereby increasing the total number of individuals incarcerated at any given time.

The Corrections Department (NMCD) reports the average cost to incarcerate a single inmate in FY25 was \$61.5 thousand; however, due to the high fixed costs of prison facilities and administrative overhead, LFC estimates a marginal cost of approximately \$27.2 thousand per year for each additional inmate. Data from the New Mexico Sentencing Commission (NMSC) indicate that the median expected length of stay for a fourth-degree felony is 1.07 years, compared with 1.58 years for a third-degree felony. To the extent individuals convicted under Section 30-7-2.1 NMSA 1978 receive sentences consistent with third-degree felony norms, the increase in time served would incrementally increase the prison population and the state’s associated marginal costs. Any impact is expected to materialize over time as individuals serve longer sentences rather than as an immediate change in admissions.

Additional system costs beyond incarceration are not included in the above methodology. The Administrative Office of the Courts reports increased penalties may result in more defendants exercising their right to trial, including jury trials, which would increase demands on judges, courtroom staff, courtroom availability, and jury expenditures. The Law Office of the Public Defender similarly notes that more severe felony classifications can reduce the likelihood of plea agreements, potentially increasing felony trials and the indigent defense workload. These costs are more difficult to quantify but could increase operating pressures on the judicial branch and defense services.

The Children, Youth and Families Department reports the bill is expected to have minimal fiscal impact on the juvenile population it serves and indicates upgrading the offense from a fourth- to a third-degree felony does not change dispositional guidelines in Children’s Court; any administrative or referral impacts would be absorbed within existing resources.

Overall, because the bill increases the felony degree and may extend the length of incarceration for affected adult offenders, it is anticipated to result in incremental increases in incarceration costs to the state over time. The magnitude of those costs will depend on charging, conviction, and sentencing patterns following enactment.

SIGNIFICANT ISSUES

Broadening the definition of “school premises” may also affect charging practices by clarifying the statute applies to a wider range of school-operated or school-authorized locations, including

charter school property and other sites where school-related activities occur. This clarification may reduce ambiguity in enforcement but could also result in more cases falling within the scope of Section 30-7-2.1 NMSA 1978.

Data provided by NMSC indicated 64 cases were filed in which unlawful carrying of a deadly weapon on school premises was the lead offense in FY24, with a 30 percent conviction rate; nearly half of the cases were dismissed. These data suggest outcomes for this offense vary significantly, and any change in felony degree may interact with existing charging, dismissal, and plea practices in ways that are difficult to predict.

Prior LFC analyses have noted research indicating the certainty of being apprehended and convicted is generally a stronger deterrent to criminal behavior than punishment severity alone.

OTHER SUBSTANTIVE ISSUES

Section 30-7-2.1 NMSA 1978 applies to a range of individuals, including students, school staff, and members of the public. Because the bill elevates the offense to a third-degree felony, individuals convicted as adults would face increased collateral consequences associated with a higher-level felony conviction, including effects on employment, housing, professional licensure, and voting rights. While these consequences flow from existing law governing felony convictions rather than from the bill itself, the reclassification may affect the long-term legal status of individuals convicted under this section.

SS/dw/ct