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FISCAL IMPACT REPORT

SPONSOR Sharer ORIGINAL DATE 1/29/2007
LAST UPDATED _____ HB _____
SHORT TITLE Concealed Handguns in Certain Businesses SB 167
ANALYST Schuss

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB168, SB111 and HB588

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AG)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 167 amends NMSA 1978, § 30-7-3 to permit persons licensed under the Concealed Handgun Carry Act to carry a concealed handgun into an establishment licensed to dispense alcohol beverages provided that this establishment does not sell alcoholic beverages for consumption on the premises. The bill states that the establishment can derive no more than fifty percent of its annual gross receipts from the sale of alcoholic beverages. The Alcohol and Gaming Division of the Regulation and Licensing Department (RLD) will be required to make signs available that will be posted in all other liquor establishments prohibiting firearms.

FISCAL IMPACT

SB167 will have an undetermined fiscal impact on RLD (General Fund). This impact is due to the provision that requires the posting of signs prohibiting firearms in establishments that derive more than fifty percent of gross receipts from the sale of alcoholic beverages or those that allow consumption of alcohol on the premises.

SIGNIFICANT ISSUES

A person with a concealed weapon carry permit may not currently bring a concealed weapon into an establishment licensed by RLD that sells alcoholic beverages for consumption on the premises.

The Department of Public Safety (DPS) states that this legislation attempts to address questions/complaints from the public pertaining to carrying a firearm in any place that sells/serves alcohol. Often, individuals do not know if this applies to a convenience store, for instance. Many individuals assume they can carry into stores that sell package alcohol, but clearly not into a bar. As it stands, people who do carry into a store that sells package alcohol are committing a 4th degree felony.

ADMINISTRATIVE IMPLICATIONS

There will be a potential impact on RLD if they have to use their resources to determine the percentage of alcohol sales for all establishments that provide alcohol for consumption off of the premises.

RELATIONSHIP

Relates to SB168, SB111 and HB588. SB167 adds the provision that no more than fifty percent of an establishments annual gross receipts may be derived from the sale of alcoholic beverages. The bill also adds that RLD will be required to make signs available for posting.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Currently, a person may unknowingly, without criminal intent, commit a 4th degree felony by carrying a firearm into a convenience store to pay for gas.

POSSIBLE QUESTIONS

The Department of Public Safety noted the following questions in their analysis for SB168 and SB111:

What about licensees from other states whose permits NM recognizes? NM currently recognizes concealed carry permits from 20 other states. Amendment does not appear to address these out-of-state permit holders that are traveling through NM or living in NM. Proposed change will not apply to individuals that carry openly as NM law allows?

BS/yr