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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/25/11

SPONSOR     Cook     LAST UPDATED                      HB   136/HCPACCS  

SHORT TITLE   Additional Concealed Guns & Additional Places   SB                                     

ANALYST   Graeser  

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		(\$0.0)	(\$0.0)	(\$0.0)	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Defender Department (PDD)  
 State Parks Division (SPD) of Energy, Minerals and Natural Resources Department (EMNRD)  
 Administrative Office of the District Attorneys (AODA)  
 Department of Health (DOH)  
 New Mexico Corrections Department (NMCD)  
 Public Education Department (PED)  
 Administrative Office of the Courts (AOC)  
 New Mexico Department of Public Safety, State Investigation Division (NMDPS/SID)

### SUMMARY

#### Synopsis of Bill

HCPAC Substitute for House Bill 136 (CS/HB 136) would allow individuals with a valid license to carry a concealed handgun to carry a loaded, concealed handguns into state parks and recreation areas operated by EMNRD. The committee substitute addresses most of the substantive issues identified by the agencies relative to the provisions of the original bill.

### FISCAL IMPLICATIONS

EMNRD did not report a fiscal impact.

### SIGNIFICANT ISSUES

DOH reports the following, "...New Mexico ranked in the top ten states for rates of firearm

deaths in 2007 (the latest year for which data is available), according to the National Vital Statistics Reports, Vol. 58, No.19, May 20, 2010. There were 868 firearm deaths in New Mexico from 2007 to 2009 making firearms one of the leading causes of injury death in the state. An average of 432 gunshot injuries was treated in New Mexico emergency rooms annually from 2004 to 2008. In New Mexico in 2009 there were 190 self-inflicted deaths by firearms and 91 firearm-related assaults.”

The DPS review clearly articulates the public policy involved in this bill. “This bill proposes to allow persons licensed to carry concealed handguns to carry them in premises and in areas that have been previously deemed by the legislature to be too high risk to allow the possession and carrying of weapons. The concerns and arguments that have made these prohibitions lawful still exist. In addition, implementation of the proposed changes could put an additional burden on commissioned officers of the NMDPS and law enforcement statewide as more firearms-related incidences could arise as a result of allowing firearms to be carried into more places.”

EMNRD/SPD note that 19.5.2.20 NMAC currently mandates that visitors shall not possess firearms, including concealed firearms, with a cartridge in any portion of the mechanism or discharge firearms, including concealed firearms, except during designated hunting seasons or in authorized areas. No such activity is allowed within 300 yards of a developed park area or occupied campsite. Subsection A of 19.5.2.20 NMAC does not apply to on-duty law enforcement officials. 19.5.2 NMAC’s objective is to provide standards for visitor use of the New Mexico state parks system in a manner that promotes public health, safety, and welfare and preserves park facilities and the environment.

## **PERFORMANCE IMPLICATIONS**

State Parks Division officers will verify within the course of their duties that a park visitor carrying a concealed handgun is licensed pursuant to the Act.

## **ADMINISTRATIVE IMPLICATIONS**

If HB 136 is enacted the State Parks Division will need to amend 19.5.2.20 NMAC to reflect the changes in the Act.

AOC also indicates a small administrative impact to inform the judiciary of the changes.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

1. DOH reports that HB 136 relates to HB 140 that proposes eliminating the two-year refresher firearms training course required for concealed handgun licensees.
2. DOH also reports that HB 136 relates to SB 29 that proposes to eliminate the fingerprint requirement when a concealed handgun license is renewed, eliminate the two-year refresher firearms course and allow 30 additional days to apply for renewal of the license.

## **OTHER SUBSTANTIVE ISSUES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

EMNRD/SPD reports, “...unless 19.5.2.20 NMAC is amended, state park visitors will continue

to be prohibited from possessing firearms, including concealed firearms, with a cartridge in any portion of the mechanism or discharge firearms, including concealed firearms, except during designated hunting seasons or in authorized areas.”

LG/bym