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FISCAL IMPACT REPORT

SPONSOR Ivey-Soto/Gentry **ORIGINAL DATE** 1/16/15
LAST UPDATED _____ **HB** _____

SHORT TITLE Reports Regarding Firearms and Licenses **SB** 345

ANALYST A. Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB44, HB106, HB189, HB397, SB118 and SB268

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 345 proposes to amend Chapter 34, Article 9 NMSA 1978 (Administrative Office of the Courts) adding a requirement that the AOC obtain and electronically transmit information to the FBI regarding:

- court proceedings relating to a person’s eligibility to receive or possess a firearm or ammunition,
- updates, corrections, modifications or removal of information affecting eligibility, and
- transmit electronically court order, judgment or verdict information about an adjudicated mental defective or committed to a mental institution

for inclusion into the national instant criminal background check system (NCIC).

The bill also requires AOC to inform the person adjudicated a mental defective that he or she is not allowed to possess a firearm or ammunition.

SB 345 makes a person adjudicated a mental defective or committed to a mental institution ineligible for a concealed handgun license. The individual, however, may petition the court to

have the firearms-related disability removed and the individual's rights restored. A copy of the petition shall be served on all parties to the petition and the Attorney General's Office. The court receiving a petition is required to hold a hearing and grant the request if the preponderance of evidence shows that the petitioner will not likely act in a manner dangerous to the public safety or the public interest. Any database that makes information available to the FBI NCIC shall be updated based on the relief granted pursuant to the court order.

Any information in the court order, judgment or verdict regarding the adjudication as a mental defective or regarding a petitioner or proceeding is not a public record and shall not be disclosed. The person to whom the information pertains or the person's personal representative is authorized to obtain, inspect and correct information compiled or transmitted. The AOC is required to promulgate rules relating to the inspection a correction of the information in its records.

FISCAL IMPLICATIONS

The AOC states that there will be an administrative cost to update, distribute and document the statutory changes but does not provide a dollar amount of that impact.

The judiciary reports that this bill will open up the ability for the court to apply for federal grants.

SIGNIFICANT ISSUES

According to DOH, firearms are a significant cause of injuries and deaths in New Mexico. According to the Centers for Disease Control and Prevention (CDC), New Mexico had the ninth highest rate of firearm deaths in the U.S. among the 50 states and the District of Columbia in 2013 (<http://wonder.cdc.gov/cmfi10.html>). The firearm injury death rate in NM (15.5 per 100,000 population) was 1.5 times higher than the U.S. rate (10.4 per 100,000 population). From 2009-2013, less than 1% of all firearm injury deaths in NM were accidental. The majority (69 percent) of firearm injury deaths were due to self-inflicted injury (suicide), followed by intentional injury or homicide (27 percent) (<http://ibis.health.state.nm.us>).

In 2014, 139,780 federal firearms background checks were performed for gun transfers in New Mexico (Bureau of Alcohol, Tobacco and Firearms, 2014). In a graph of reasons why the national information system denied gun permits between November 30, 1998 and December 31, 2014, 66 percent were because of a transferee's criminal history; 10 percent were because the transferee was a fugitive from justice; 10 percent were because the transferee had a misdemeanor domestic violence conviction; 8 percent were because the transferee was an unlawful user of or addicted to a controlled substance, 4 percent were because the transferee was under a restraining order for domestic violence, and 1 percent because the applicant had been adjudicated for a mental health diagnosis (NICS Federal Denials, Bureau of Alcohol, Tobacco and Firearms, 2014).

In a March 2013 meeting of the Consortium for Risk-Based Firearm Policy, participants produced a report and recommendations to support an evidence-based approach to gun violence prevention (Guns, Public Health and Mental Illness: An Evidence-Based Approach for State Policy. Consortium for Risk-Based Firearms Policy, December 2013. <http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and->

[research/publications/GPHMI-State.pdf](#)). While acknowledging the news accounts of mass shootings by individuals described as psychotic or mentally disturbed, the Consortium made the case that such occurrences were rare. As the report states, “The research evidence points toward several key factors that are associated with risk of committing firearm violence – toward self and others – in people both with and without mental illness, including history of violent crime, perpetration of domestic violence, alcohol abuse and drug abuse (*Id.*, p.2).”

New Mexico’s gun laws do not prohibit individuals convicted of domestic violence misdemeanors or subject to domestic violence protective or restraining orders from purchasing or possessing firearms. These evidence-based policy interventions may have more impact on reducing gun violence. However, better control of firearms through background checks could have a significant impact on deaths and injuries in New Mexico. SB 345, requiring AOC to electronically report to the FBI NICS court proceedings, adjudications and redeterminations relating to the eligibility of a person to receive or possess a firearm or ammunition, or to obtain a concealed handgun license may contribute to preventing firearm related injury and mortality in New Mexico.

RELATIONSHIP

Relates to HB 44 (Firearm Transfer Act), HB 106 (Concealed Carry Fingerprints and Refreshers); HB 189 (Concealed Carry License Length and Refresher), HB 397 (Concealed Gun Fingerprint Requirement), SB 118 (Concealed Carry Fingerprints and Refreshers) and SB 268 (Concealed Carry Licenses and Changes).

ABS/bb