

<b>LFC Requester:</b>	Austin Davidson
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

<i>Check all that apply:</i>				<b>Date Prepared:</b>	1/16/2024
<b>Original</b>	X	<b>Amendment</b>		<b>Bill No:</b>	HB47
<b>Correction</b>		<b>Substitute</b>			

<b>Sponsor:</b>	Rep. W. Rehm Rep. R. Pettigrew Rep. H. Vincent	<b>Agency Name and Code Number:</b>	305 – New Mexico Department of Justice
<b>Short Title:</b>	Unlawful Firearms While Trafficking	<b>Person Writing Analysis:</b>	AAG Meryl Francolini
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: House Bill 47 creates a new third-degree felony crime of unlawful carrying of a firearm while trafficking a controlled substance, which consists of carrying a firearm while violating the provisions of NMSA 1978 Section 30-31-20, governing the trafficking of controlled substances. HB47 provides that, as used in the act, “firearm” means any weapon “that will or is designed to or may readily be converted to expel a projectile by the action of an explosion or the frame or receiver of any such weapon.” The effective date of the HB47 would be July 1, 2024.

**FISCAL IMPLICATIONS**

None to this office.

**SIGNIFICANT ISSUES**

None.

**PERFORMANCE IMPLICATIONS**

None to this office.

**ADMINISTRATIVE IMPLICATIONS**

None to this office.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None as of 1/16/2024.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

HB47 does not indicate whether a conviction for the crime of unlawful carrying of a firearm while trafficking alone, without a simultaneous conviction for trafficking under Section 30-31-20, would constitute a conviction for trafficking in subsequent prosecutions under Subsection 30-31-20(B)(2).

A definition of “carrying” would be helpful to more clearly define the prohibited conduct.

It should be noted that NMSA 1978, Section 31-18-16(A) currently provides for a one-year sentencing enhancement when “a separate finding of fact by the court or jury shows that a

firearm was used in relation to a drug transaction.”

**ALTERNATIVES**

N/A.

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

Status quo.

**AMENDMENTS**

N/A.