

LFC Requester:	Scott Sanchez
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 18, 2024
Bill No: House Bill 78

Sponsor: Rep. John Block
Short Title: Permitless Firearm Carrying

Agency Name and Code
Number: 218 AOC
Person Writing Patricia M. Galindo
Phone: 505-670-2656 **Email** aocpmg@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 78 adds a new section to Chapter 30, Article 7 titled “Permitless Carry”. This new section states, “A person who is eighteen years of age or older and is not prohibited by federal or state law or a court order from possessing or carrying a firearm may carry a loaded firearm on the person’s own person. The carrying of the firearm may be concealed or open”.

House Bill 78 also repeals Sections 30-7-2.2 through 30-7-3 NMSA 1978. Section 30-7-2.2 NMSA 1978 states “Unlawful possession of a handgun by a person consists of a person knowingly having a handgun in the person's possession or knowingly transporting a handgun” and includes seven exceptions to unlawful possession. A “person” is defined as “an individual who is less than nineteen years old”.

House Bill 78 does not contain an effective date and would be effective on May 15, 2024, 90 days following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS – none identified.

SIGNIFICANT ISSUES

HB 78 would allow any person who is not prohibited under federal or state law to carry a firearm, either concealed or open. The Concealed Handgun Carry Act, Section 29-19-1 NMSA 1978, directs the Department of Public Safety to issue concealed handgun licenses since the Act became effective on July 1, 2003. While HB 78 does not reference the Concealed Carry Handgun Act, it seems that if this bill is passed it would render this Act unenforceable.

HB 78 also repeals Sections 30-7-202 through 30-7-3 NMSA 1978, which make it unlawful to carry a firearm on university premises and liquor establishments. As drafted, this legislation essentially removes all criminal liability for carrying a concealed handgun without a permit and carrying a firearm on university campuses and liquor establishments.

PERFORMANCE IMPLICATIONS – none identified.

ADMINISTRATIVE IMPLICATIONS – none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP – none identified.

TECHNICAL ISSUES – none.

OTHER SUBSTANTIVE ISSUES – none identified.

ALTERNATIVES – none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS - none