

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS  
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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**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 19 JAN 2024

Bill No: HB 78

Sponsor: John Block, Stefani Lord  
Short Permitless Firearm Carrying  
Title:

Agency Name and Code 790 – Department of Public Safety  
Number:  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
	(\$0.0-\$622.4)	(\$0.0-\$622.4)	Recurring	OSF - Conceal Carry Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>		(\$0.0- \$622.4)	(\$0.0- \$622.4)	(\$0-\$1,244.8)	Recurring	OSF - Conceal Carry Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB-127  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

HB-78 amends the Criminal Code to decriminalize carrying of a concealed loaded firearm. It also adds a new section affirmatively stating that a person aged 18 or older may carry an open or concealed loaded firearm on their person, unless the person is prohibited by federal or state law or court order from possessing or carrying a firearm.

The bill preserves the crimes of unlawful carrying of a deadly weapon on premises of a university (petty misdemeanor) or school (fourth-degree felony).

It also repeals the misdemeanor crime of unlawful possession of a handgun (Sec. 30-7-2.2); authorization for law enforcement to seize an illegally possessed handgun (Sec. 30-7-2.3); and the fourth-degree felony of unlawful carrying of a firearm in licensed liquor establishments (Sec. 30-7-3).

**FISCAL IMPLICATIONS**

DPS received \$640,200 in Other State Funds – Conceal Carry (CCU) Fees in FY 2022; \$635,400 in FY 2023; and is projecting to receive \$622,400 in FY 2024. Revenue funds five (5) term full-time employees at \$362,600 in salary and benefit needs, and operating costs of \$398,800 per year for a total operating cost of \$761,400 each year, with the difference covered by the fund’s non-reverting Fund Balance. While some New Mexico residents may continue to purchase or renew a CCU license to maintain legal compliance with the laws of other states, the future impact on revenue is unknown and therefore, will most likely result in a revenue reduction for DPS.

Depending on future impacts to Carry Conceal licensing and incoming fees, DPS could have a minimal to substantial negative impact; therefore, a cost range has been entered as the fiscal impact, in the negative, on revenue in FY 2025 and FY 2026. If revenues do decrease, DPS would have to transfer affected CCU employees to the Law Enforcement Records Bureau (LERB) as eligible positions become vacant.

**SIGNIFICANT ISSUES**

This bill repeals NMSA 1978 sections 30-7-2.2 through 30-7-3 but does not mention a repeal of Chapter 29 Article 19 NMSA 1978, the Concealed Carry Act. The Concealed Carry Act requires

the Department of Public Safety to issue a concealed carry license if the applicant: (1) is a citizen of the United States; (2) is a resident of New Mexico or is a member of the armed forces whose permanent duty station is located in New Mexico or is a dependent of such a member; (3) is twenty-one years of age or older; (4) is not a fugitive from justice; (5) has not been convicted of a felony in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction; (6) is not currently under indictment for a felony criminal offense in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction; (7) is not otherwise prohibited by federal law or the law of any other jurisdiction from purchasing or possessing a firearm; (8) has not been adjudicated mentally incompetent or committed to a mental institution; (9) is not addicted to alcohol or controlled substances; and (10) has satisfactorily completed a firearms training course approved by the department for the category and the largest caliber of handgun that the applicant wants to be licensed to carry as a concealed handgun;

The Concealed Handgun Carry Act also requires DPS to deny a concealed carry license if an applicant has: (1) received a conditional discharge, a diversion or a deferment or has been convicted of, pled guilty to or entered a plea of nolo contendere to a misdemeanor offense involving a crime of violence within ten years immediately preceding the application; (2) been convicted of a misdemeanor offense involving driving while under the influence of intoxicating liquor or drugs within five years immediately preceding the application for a concealed handgun license; (3) been convicted of a misdemeanor offense involving the possession or abuse of a controlled substance within ten years immediately preceding the application; or (4) been convicted of a misdemeanor offense involving assault, battery or battery against a household member.

The State of New Mexico would continue to have a concealed carry program for individuals who would need a license for reciprocity purposes with other states. There would be a severe decline of individuals applying for concealed carry license applications.

This bill would decriminalize the carrying of firearms at New Mexico colleges and universities; and the carrying of firearms in bars and other liquor establishments. Allowing guns in bars is likely to result in some additional violent gun crime.

DPS deals with numerous individuals with prior criminal history that are allowed to purchase a firearm but because of their criminal history are still prohibited from having a concealed carry permit. This bill would grant the right to carry a concealed firearm to all those individuals. This causes DPS to be concerned about an increased danger to officers in their interactions with the public. This law would allow several categories of convicted criminals who currently cannot lawfully carry a concealed weapon to be able to so. Those individuals can currently exercise their rights by lawfully possessing and open carrying a firearm in most cases, but not a concealed one. The possibility of giving convicted criminals the right to conceal their weapons from law enforcement seems likely to increase the danger to officers and deputies.

#### **PERFORMANCE IMPLICATIONS**

None.

#### **ADMINISTRATIVE IMPLICATIONS**

None.

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

HB 127 - Minimum Age of 21 to Buy or Possess Certain Semi- or Automatic Firearms

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

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

Status quo will remain.

**AMENDMENTS**

None.