

LFC Requester:	Austin Davidson
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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 23, 2024
Bill No: House Bill 127

Sponsor: Rep. Reena Szczepanski & Rep. Dayan Hochman-Vigil
Short Title: Age 21 For Firearm Purchases

Agency Name and Code Number: 218 AOC
Person Writing: Patricia M. Galindo
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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 127 creates a new criminal statute making it unlawful for a person under the age of twenty-one years old to purchase or possess a firearm with certain defined exceptions. A violation under this new section is a misdemeanor offense.

HB 127 provides that the criminal offense shall not apply to those under the age of twenty-one who possess an automatic or semiautomatic firearm when the person:

- (1) attends a firearm safety course or other firearm safety course;
- (2) engages in target shooting at an established range authorized to use these types of weapons;
- (3) engages in organized competition;
- (4) participates or practices for a performance by an organization granted exemption from federal income tax;
- (5) engages in legal hunting or trapping;
- (6) travels to and from the allowable activities described above; or
- (7) is on private property under the control of the person's parent, grandparent, or legal guardian and is being supervised by such.

HB 127 also provides that the provisions shall not apply to the following:

- (1) peace officers who are certified pursuant to the Law Enforcement Training Act;
- (2) peace officers employed on a part time basis who complete a firearms course;
- (3) armed forces active or reserved members; or
- (4) security officer licensed by the Private Investigations Act.

HB 127 defines automatic firearm, firearm and large-capacity ammunition feeding device and semiautomatic firearm for purposes of this new section.

HB 127 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

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

Federal law restricts those under the age of twenty-one from legally being able to purchase a handgun but allows a person who is eighteen years old to buy a long gun, including an assault weapon. 18 U.S.C. 922(b)(1) In 2022, Congress enacted the Bipartisan Safer Communities Act that requires the FBI to contact state juvenile justice and mental health repositories and local law enforcement whenever a person under age 21 attempts to purchase a gun from a licensed firearms dealer. The repositories and local law enforcement have an additional three business days to identify whether there might be a potentially disqualifying record for the person.

In New Mexico, the Administrative Office of the Courts (AOC) was identified as the only entity that has access to juvenile and mental health records. In January 2023, the AOC began processing these enhanced background checks for attempted gun purchasers between 18 and 20 years old who are legal residents of New Mexico, commonly referred to as “U21” checks. From January 3, 2023 – January 16, 2024, the FBI reports that the AOC processed:

3,420 - Juvenile U21 checks for New Mexico residents

3,201 – Purchases allowed to proceed

15 – Purchases denied (based on current criminal history-not as a result of the enhanced outreach)

10- Purchases denied based upon enhanced outreach only

It is important to note that under the Children’s Code, the AOC cannot disclose any sealed juvenile dispositions, “Upon the entry of the sealing order, the proceedings in the case shall be treated as if they never occurred and all index references shall be deleted. The court, law enforcement officers and departments and agencies shall reply, and the person may reply, to an inquiry that no record exists with respect to the person.” Section 32A-2-26(C) NMSA 1978.

Even if a juvenile case is not sealed, dispositions in juvenile criminal cases are not considered a conviction under the Children’s Code so the gun purchase is allowed to proceed. Section 32A-2-18(A) NMSA 1978 Only youthful offender (juvenile) criminal cases where the juvenile received an adult sentence are considered a conviction, prohibiting the gun purchase from proceeding.

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