

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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 18 JAN 24

Bill No: HB 129

Sponsor: Andrea Romero, Dayan
Hochman-Vigil, Linda Serrato
Short Title: FIREARM SALE WAITING PERIOD CRIMES
Agency Name and Code: 790-Department of Public Safety
Number:
Person Writing: Dale R. Wagoner
Phone: 505-629-2803 Email: dale.wagoner@dps.nm

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A
NFI	NFI	NFI	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	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

This bill adds to the firearm sales section of Article 7 of the Criminal Code requiring a 14-business day waiting period for sale and transfer of a firearm to a buyer. During the waiting period, a federal instant background check shall be completed. The sole exception carved out in the bill is for sales to immediate family members within three degrees of consanguinity.

If passed, the bill would make a violation of the waiting period or the failure to complete an instant background check punishable as a misdemeanor penalty.

During the waiting period, the firearm shall remain with the seller and upon a premature transfer, each party involved may be separately charged and separately liable for the violation, and additionally, if more than one, the transfer of each firearm contrary to the bill is considered a separate criminal offense. The bill provides that two or more offenses may be charged in the same charging document but shall be punished separately.

In addition, the bill requires that the records of firearm sales by the seller be made available upon the request of a law enforcement agency.

FISCAL IMPLICATIONS

No fiscal implications to DPS.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues to DPS

TECHNICAL ISSUES

- On page 2, line 24, after “misdemeanor,” insert “and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.”
- On page 3, lines 4-5 “immediate family members to the third degree of consanguinity” is contradictory. Immediate family is a person's smallest family unit, including parents, siblings, spouse, and children. The third level on consanguinity includes relationships outside the smallest unit of family such as great-grandparents and great-grandchildren. Which is this meant to apply to?

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None at this time.