

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto: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 24, 2024

**Bill No:** House Bill 168

**Sponsor:** Reps. Jenifer Jones, Stefani Lord and Andrea Reeb  
**Short Title:** No Firearms for Undocumented Persons

**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)**

	<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>	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 168 would amend Section 30-7-16(A) NMSA 1978 by creating a new category of person prohibited from receiving, transporting or possessing a firearm or destructive device in New Mexico to include “an undocumented person”. This legislation also amends Section 30-7-16(D) NMSA 1978 to include “an undocumented person” as being subject to a full misdemeanor penalty if found guilty of receiving, transporting or possessing a firearm or destructive device.

HB 168 defines “an undocumented person” as an individual not legally present in the United States at the time of receiving, transporting or possessing a firearm or destructive device.

HB 168 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**

The fiscal impact of this new offense would be proportional to the number of prosecutions that commence. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury expenses.

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**

The definition of “an undocumented person” may be overly vague and could lead to issues in prosecuting this new crime. HB 168 does not mention whether the person must know that they are not legally authorized to be or remain in the United States at the time they were found with a firearm or destructive devices. A person may legally enter the United States with student visa but can become undocumented if they do not fulfill the minimum course of study requirement.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on

the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

**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