

LFC Requester:	Scott Sanchez
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**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 23JAN2024

Bill No: HB 198

Sponsor: Dayan Hochman-Vigil **Agency Name and Code** 790-Department of Public Safety
Short Title: Felon in Possession of Firearm Penalty **Number:** _____
Person Writing Deputy Chief Dale Wagoner
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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 proposes to amend the felon in possession of a firearm statute by increasing the penalty for a felon and serious violent felon found in possession of a firearm from a third degree to a second-degree felony. It states that a felon in possession subject to a minimum term of nine years of imprisonment. It also makes a serious violent felon in possession subject to a basic term of twelve years of imprisonment. If passed, this bill would remove the ability to earn meritorious deductions (prison good time) for individuals serving a sentence following a conviction under the statute,

FISCAL IMPLICATIONS

There are no additional fiscal implications to DPS.

SIGNIFICANT ISSUES

DPS plays a significant role in arresting felons that oftentimes have firearms.

PERFORMANCE IMPLICATIONS

DPS believes the increase in this penalty will have a positive impact on public safety. Felon in Possession of a firearm has become a common charge due to the high number of repeat offenders who carry a firearm. The increasing prevalence of firearms in the hands of repeat offenders has led to numerous violent incidents throughout our state. There is currently a very significant decrease in deterrence in these cases when they are not prosecuted Federally due to the low State penalty. This bill would help alleviate that difference and not only serve as a strong deterrent, but incapacitate individuals involved in these types of cases who have shown repeated disregard for the law. Any step to decrease the number of armed criminals in the public would be beneficial. The suspects charged in these cases have already shown themselves to be a threat to public safety by being convicted of their first felony case. In this case they are continuing to be a threat and disregard the law by carrying a firearm even after the previous conviction.

ADMINISTRATIVE IMPLICATIONS

There are no administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

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

TECHNICAL ISSUES

No technical issues to DPS.

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.