

LFC Requester:	Scott Sanchez
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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** **X**
 _____ _____ _____

Date Prepared: 2/12/2024

Bill No: HB316S

Sponsor: Rep. W Rehm
 Rep. D. Hochman-Vigil
 Rep. C. Little
 Rep. T. Jaramillo
 Rep. J. Martinez

Short Title: PUBLIC PEACE,
 HEALTH, SAFETY &
 WELFARE
 FELON IN POSSESSION
 OF A FIREARM

Agency Name and Code Number: 305 – New Mexico
 Department of Justice

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

House Bill (“HB”) 316S proposes to amend NMSA 1978, Section 30-7-16, entitled “Firearms or destructive devices - - receipt, transportation or possession by certain persons - - penalty.”

First, the bill proposes to increase the penalty for the crime of felon in possession of a firearm or destructive device (first offense) from three years imprisonment to five years imprisonment. In addition to adding language to Section 30-7-16, the bill proposes to amend NMSA 1978, Section 31-18-15, entitled “Sentencing authority - - noncapital felonies - - basic sentences and fines - - parole authority - - meritorious deductions,” to explicitly add “third degree felony for possession of a firearm or destructive device by a felon” as a crime punishable by five years imprisonment.

Second, the bill proposes to create a new crime of felon in possession of a firearm or destructive device for a second or subsequent offense. This crime would be a second-degree felony punishable by nine years imprisonment.

Third, the bill proposes to increase the penalty for the crime of serious violent offender in possession of a firearm or destructive device from three years imprisonment to nine years imprisonment by elevating the offense from a third-degree felony to a second-degree felony.

The effective date of the bill is July 1, 2024.

FISCAL IMPLICATIONS

None to this office.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

No direct performance implications to this office.

ADMINISTRATIVE IMPLICATIONS

No direct administrative implications to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicate (in part) HB46
Conflict HB198

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A