

LFC Requester:	Scott Sanchez
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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 31, 2024

Bill No: HB 129

Sponsor: Reps. Romero, Hochman-Vigil, Serrato, Parajon and Lopez
Short Title: Firearm Sale Waiting Period Crimes

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)

	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: Senate Bill 69.
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Judiciary Committee Substitute for House Bill 129 changes the required waiting period from fourteen business days to fourteen calendar days throughout the bill. The committee substitute also excludes the temporary possession or control of a firearm provide by a licensed business owner to a potential buyer from being subject to violating this new law. Finally, the committee substitute provides a definition for “firearm” and “immediate family member” with the latter being excluded from the required waiting period.

The bill 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

The changes in HJC committee substitute for HB 129 simplify calculation of the required waiting period for gun purchases to a continuous fourteen calendar days. This change eliminates the need to remove weekends and holidays from the time computation, reducing the chance of miscalculating the waiting period.

The addition of “temporary possession or control of a firearm provided to a customer by the proprietor of a licensed business in the conduct of that business” to HB 129 uses different terminology than is found in other sections of this legislation. For example, “customer” is referred to as “buyer”, “proprietor” is referred to as “seller” and “licensed business” is not mentioned elsewhere in HB 129.

The additional definitions of “firearm” and “immediate family member” in HJC committee substitute for HB 129 are consistent with other definitions in similar criminal statutes.

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.