

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 27JAN24
Bill No: SB 204

Sponsor: Senator Daniel Ivey-Soto
Short Title: _____

Agency Name and Code 790-Department of Public Safety
Number: _____
Person Writing Matthew Chavez
Phone: 505.467.9629 **Email:** Matthew.Chavez@dps.nm.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0.0	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0.0	NFI	NFI		

(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	\$0.0	NFI	NFI	NFI		

(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 follows a recent federal court ruling that preliminarily favors the constitutionality of current executive and public health orders banning members of the public from carrying firearms at parks and playgrounds. The purpose of this bill is to protect New Mexicans by prohibiting members of the public from carrying a firearm in a park, playground, or adjoining parking area. With clearly carved out exceptions, including peace officers, licensed security officers, members of the armed and reserve forces and the New Mexico national guard performing official work, this bill addresses public safety concerns while allowing military and law enforcement professionals maintain access to their firearms as part of their essential peace keeping responsibilities.

As defined by the bill, a park means outdoor recreational area, open to the public, owned or managed by a municipality or county. The bill specifically provides for the use of firearms at an outdoor shooting range, distinguishing it from the given definition of a park. A playground is defined as an outdoor facility open to the public owned or managed by a municipality or county, and references play stations and climbing structures alongside slides, swing set intended for the recreation of children. For a violation of this safe parks and playgrounds bill, a fourth-degree felony would apply.

FISCAL IMPLICATIONS

None for DPS.

SIGNIFICANT ISSUES

New Mexico has experienced high rates of gun violence with deaths attributable to firearms increasing in the state by 43% over the 18% national average from 2009 to 2018. Most alarmingly for children and teens, guns are the leading cause of death in New Mexico and shootings have led to the loss of life for a thirteen-year-old girl, a five-year-old girl, and an eleven-year-old boy in various communities across the state. Mass shootings have increased in the state and gun violence continues to cause physical and emotional harm and long-lasting consequences for all too many New Mexicans. Public healthcare systems have been over-burdened by gunshot victims in the state. This bill addresses the problems relating to gun violence in the state by focusing on increasing the safety for New Mexicans and their children in highly frequented public recreational spaces.

DPS plays a significant role in maintaining public safety in parks and playgrounds across New Mexico. Passage of this bill would ensure children, families, and recreationists' safe enjoyment of the state's protected outdoor play areas.

PERFORMANCE IMPLICATIONS

This bill would have a positive impact in rural and urban communities across the state by protecting New Mexicans' constitutionally recognized natural, inherent and inalienable rights to enjoy life and to seek and obtain safety and happiness, *NM Const. Art II, Section 4*.

ADMINISTRATIVE IMPLICATIONS

None at this time.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None at this time.

OTHER SUBSTANTIVE ISSUES

None at this time.

ALTERNATIVES

None at this time.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.