

LFC Requester:	AUSTIN DAVIDSON
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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: SJR 12

Sponsor: <u>Sen. Peter Wirth</u>	Agency Name and Code <u>790 Department of Public Safety</u>
Short Title: <u>Local Gov't Firearm Regulations, CA</u>	Number: _____
	Person Writing <u>KELLY MILLER</u>
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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

(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

(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	N/A	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

SJR 12 proposes to amend Article 2, Section 6, of the state Constitution to allow municipalities and counties to regulate firearms in a manner that is more restrictive than state law.

If SJR passes, the proposal must be submitted to the people at the next general a prior special election.

FISCAL IMPLICATIONS

No fiscal implications to DPS.

SIGNIFICANT ISSUES

Federal and State Laws Supersede: While this joint resolution would allow maximum local control at least pertaining to firearm restrictions that are stronger than those in state law, doing so could open municipalities up to legal challenges if their restrictions violate established state and federal laws regarding firearms. For example, local firearms regulations would still be subject to federal laws regarding firearm restrictions.

Possibility of Liability Under the New Mexico Civil Rights Act: Under the New Mexico Civil Rights Act “A public body or person acting on behalf of, under color of or within the course and scope of the authority of a public body shall not subject or cause to be subjected any resident of New Mexico or person within the state to deprivation of any rights, privileges or immunities secured pursuant to the bill of rights of the constitution of New Mexico.” *See* NMSA 1978 41-4A-3. Article II, Section 6 of the New Mexico Constitution establishes a person’s right to “keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes.” Thus, if a municipality enacts a firearm restriction that infringes upon a person’s right to keep and bear arms under the New Mexico Constitution, that municipality will likely face a challenge under the New Mexico Civil Rights Act.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship 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.