

LFC Requester:	
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/AgencyAnalysis) and email to billanalysis@dfa.nm.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** **X**

Date Prepared: 2025-02-04
Bill No: HB39

Sponsor(s) Kathleen Cates
:

Agency Name CYFD 69000
and Code
Number:
Person Writing Justin Boyd
Analysis:
Phone: 5054122993

Short JUVENILE RECORD IN
Title: FIREARM BACKGROUND
CHECKS

Email: justin.boyd@cyfd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0		
0	0		

REVENUE (dollars in thousands)

Estimated Revenue	Recurring	Fund
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FY24	FY25	FY26	or Nonrecurring	Affected
0	0	0		
0	0	0		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	232.6	225.6	458.2	Recurring	General

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

HB39 seeks to make juvenile records which include delinquent acts involving a firearm to be made available for the purpose of conducting firearm background checks.

The amendment to HB39 amends 32A-2-18 to allow a judgment in a proceeding on a petition under the Delinquency Act that would be a felony if committed by an adult to be considered a conviction of a crime for the purpose of the Federal Gun Control Act of 1968. This would apply whether or not the judgment resulted in an adult sentence.

FISCAL IMPLICATIONS

This bill requires expanded effort to confirm a former juvenile's charges, adjudications, and outcomes, requiring an additional 2 new FTEs and funding.

SIGNIFICANT ISSUES

Current CYFD Juvenile Justice data reflects that in FY23 there were 168 firearm related referrals for offenses. FY24 data shows 249 firearm related referrals for offenses. Thus far in FY25 (6 months) there have been 173 firearm related referrals for offenses. This bill aims to balance

public safety with the confidentiality of juvenile records, ensuring that individuals with histories of firearm-related offenses are identified and prohibited from acquiring or possessing firearms.

PERFORMANCE IMPLICATIONS

☐ Agencies designated to conduct this specific type of background check must have the ability to securely and efficiently access sealed juvenile records. Training and oversight mechanisms should be established to prevent misuse of sensitive juvenile data.

ADMINISTRATIVE IMPLICATIONS

Although sealed records are primarily housed in the judiciary, this potentially may require CYFD to take on additional responsibilities related to record management, interagency collaboration, and oversight. A framework would be needed to allow limited access to sealed records. While the bill seeks to enhance public safety, careful planning and allocation of resources will be necessary to manage the administrative impact effectively while ensuring compliance with privacy and confidentiality protections.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

CYFD strongly supports this legislation as a critical step in safeguarding public safety while preserving the core principles of juvenile rehabilitation. By allowing limited access to sealed juvenile delinquency records for the purpose of firearm background checks, the bill achieves a necessary balance between the confidentiality of juvenile records and the protection of our communities. CYFD emphasizes that while the judiciary primarily houses sealed records, the Departments' existing statutory authority ensures that certain records are already maintained

with strict confidentiality. Adults with juvenile dispositions involving the use of a firearm will be prohibited from receiving, transporting, or possessing firearms or destructive devices. This restriction aligns with public safety goals while recognizing the need for tailored measures for juveniles' transition to adulthood. By supporting this bill, CYFD reaffirms its commitment to fostering safer communities while upholding its mission to promote positive outcomes for children and families.

AMENDMENTS

None.