

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) 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}***Date Prepared:** 03/10/2025 *Check all that apply:***Bill Number:** SB279 Original ☐ Correction ☐
Amendment ☐ Substitute ☒

Sponsor:	<u>O'Malley, Berghams, Romero, Little & Caballero</u>	Agency Name and Code Number:	<u>770-NMCD</u>
Short Title:	<u>Gas Operated Semiauto Firearms Exclusion Act</u>	Person Writing	<u>Anisa Griego-Quintana</u>
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0	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

Synopsis: Senate Judiciary Committee substitute for SB279 preserves the intent of the original, and almost its entire text, to create the Gas-operated Semiautomatic Firearms Exclusion Act, to outlaw semi-automatic assault weapons and large-capacity magazines in an effort to curb gun violence while carving out exemptions for semi-automatic handguns, shotguns and other firearms.

The substitute differs from the original in three particulars:

- Specifies in the definitions section that a rapid-fire device does not include a part or combination of parts designed and intended to convert a semiautomatic into a fully automatic firearm
- Clarifies that Section 8, which relates to nonresidents transporting firearms regulated under the act, or who move into the state in possession of a regulated firearm, does not create an unlawful act.
- Adds that a single- or double-action semiautomatic handgun under eight inches in overall length that uses blowback or that cycles, the action of the handgun is not considered a gas-operated semiautomatic firearm.

Otherwise, the substitute is identical to the original, making it illegal to import, manufacture, transfer, receive or possess any gas-operated semi-automatic firearms except for those specifically exempted in the legislation (e.g., handguns capable of holding no more than 10 rounds of ammunition and rifles that have a permanently fixed capacity of no more than 10 rounds).

The bill prohibits large-capacity clips for firearms — defined as more than 10 rounds for handguns, rifles and shotguns — and devices that increase the rate of fire of a firearm or approximate the rate of fire of a machine gun (such as “bump stocks). It also prohibits machine gun and rapid fire devices and requires the Attorney General to enforce the provisions of the bill and certification of semi-automatic firearms.

No later than Oct. 1, 2025, the Attorney General must create a system for certifying gas-operated semi-automatic firearms, and the bill contains several specific requirements the certification should include.

In summary, beginning January 1, 2026, it is unlawful to import, sell, manufacture, transfer or receive any of the following firearms, devices, or combinations of parts (the bill provides numerous exclusions for each type of device):

EXCEPTIONS.

Exemptions apply for U.S. or any of its departments or agencies; a state or an Indian nation, tribe or pueblo; a state department, agency or political subdivision; or a firearm lawfully certified through the process established by AG; and in certain other circumstances.

Individuals may retain possession of firearms otherwise banned while on their own or another's private property; on a licensed firearm dealer's premises; while engaged in legal use at a licensed firing range or during a competition; or while traveling with the unloaded firearm enclosed in a locked compartment or container. The firearm must be lawfully manufactured and transferred prior to January 1, 2026 and certified by the AG on its confidential system.

Nonresidents may transport any unloaded firearm or device or combination of parts within the state as long as storage and transport are inaccessible to the passenger compartment.

Nonresidents who move to the state in possession of any of these items must comply with the act, including certifying with the AG within 60 days.

Like the original, the substitute identifies what is and is not considered a gas-operated semiautomatic firearm (in Section 3) or a large-capacity ammunition feeding device (in Section 4). Beginning July 1, 2025, it is illegal to import, sale, manufacture, transfer or receive such firearms and devices.

Beginning July 1, 2025, it is unlawful for any person to import, sell, manufacture, transfer, receive or possess a machine gun or machine gun attachment.

The measure gives the Department of Public Safety a significant role in implementation of the act, requiring that: (1) each licensed firearms dealer "record purchaser acknowledgment of the list published" before any sale of a firearm that is not prohibited under that list; (2) before removing any gas-operated semiautomatic firearm listed in the bill submit to the AG clear and convincing evidence that the firearm should be removed from the list; and (3) advise the AG on authority specifics of the bill.

By December 1, 2025, the AG, in consultation with DPS, shall publish on the Department of Justice website the manner in which a large-capacity ammunition feeding device shall be marked and the manner in which gas-operated semiautomatic firearms shall be marked. The AG, in consultation with DPS, shall adopt rules, as detailed, regarding certification.

PENALTIES.

- Violation of the act is a misdemeanor unless otherwise specified.
- Importation, sale, manufacture, transfer, receipt or possession of a machine gun or rapid fire device is a fourth degree felony.
- Whoever commits or attempts to commit a felony while in possession of a gas-operated semiautomatic firearm or large-capacity ammunition feeding device in violation of the act is guilty of a fourth degree felony.

DEFINITIONS. Contains a lengthy list of definitions of the technical terms used in the act to describe the regulated firearms, attachments and devices (pp. 2-5).

FISCAL IMPLICATIONS

None for the Corrections Department.

SIGNIFICANT ISSUES

This legislative change could reduce the availability of high-power weapons that are often used in violent crimes. This would likely contribute to a decrease in gun-related violence, leading to a safer environment. Limiting the presence of gas-operated semi-automatic firearms, especially those that can be modified for rapid firing, could enhance public safety by reducing the likelihood of these weapons being used in illegal activities or mass shootings. The restriction on the importation and transfer of these firearms could help curb illegal gun trafficking, because as these weapons become more difficult to obtain, criminal organizations that rely on illegal firearms may face additional challenges, leading to fewer firearms circulating.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for the Corrections Department.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.