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## FISCAL IMPACT REPORT

SPONSOR: Knauer DATE TYPED: 2/1/01 HB 242  
 SHORT TITLE: Children and Firearms Safety Act SB \_\_\_\_\_  
 ANALYST: Rael

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Administrative Implications		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates: SB 131  
 Relates to: HB 310, HB 240

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
 Department of Public Safety (DPS)  
 Attorney General Office (AGO)  
 Administrative Office of the District Attorneys (AODA)

Response Not Received  
 Department of Health (DOH)  
 Children, Youth and Families Department (CYFD)

### SUMMARY

#### Synopsis of Bill

The Children and Firearms Safety Act requires Firearms dealers who lend or transfer ownership of a firearm to another to attach a safety lock to the firearm before the transfer. If the firearm is not able to sustain a safety lock, the Act would require a locked box or container to house the firearm instead. Along with the firearm, a dealer must provide safe storage guidelines in writing to the person. The person must sign an acknowledgment that this written guideline was provided to him and that a safety lock or locked box was provided as well. Failure to comply with these provisions is punishable as a misdemeanor. Exceptions apply when firearms which are curios or relics transferred to another.

There are protections for the dealer who complies with these provisions. First the dealer is not responsible for the safety lock or the lock box and second is not liable in a civil action based on the safety lock or locked box.

The Department of Public Safety, after consulting with the Department of Health shall promulgate rules which will address what safety locks are adequate to reasonably prevent a child from removing the safety lock or firing the firearm. Rules will also address the written form which dealers must provide and the written acknowledgment that the person must sign.

**FISCAL IMPLICATIONS**

The Department of Public Safety is concerned that the rules it is required to draft may expose it to liability.

**ADMINISTRATIVE IMPLICATIONS**

It will cost the judicial information system \$400 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.

**TECHNICAL ISSUES**

NMSA Section 31-18-13(d) states that if the penalty for a crime is not stated, it is presumed to be a petty misdemeanor for sentencing purposes.

FAR/njw