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FISCAL IMPACT REPORT

SPONSOR Sharer ORIGINAL DATE 3/6/2017
 LAST UPDATED _____ HB _____

SHORT TITLE Concealed Handgun Changes SB 428

ANALYST Rogers

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 483, SB 56, and SJR 5.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Office of the Attorney General (OAG)

SUMMARY

Synopsis of Bill

Senate Bill 428 amends Section 29-19-8 NMSA 1978, within the Concealed Handgun Carry Act (CHCA), to permit a licensee in possession of a valid concealed handgun license issued or recognized by the Department of Public Safety (DPS) to carry a concealed handgun anywhere in the state at any time, subject to the following exceptions:

1. Into or on premises where an authorized person or entity has posted signs prohibiting the carrying of a concealed handgun into or on the premises;
2. If the licensee has a blood or breath alcohol concentration of .04 or more;
3. While consuming alcoholic beverages; or
4. As otherwise provided in the Concealed Handgun Carry Act.

SB 428 also amends Section 30-7-2.1 NMSA 1978 to exempt a person carrying a concealed handgun and in possession of a valid concealed handgun, unless signs have been posted pursuant to Section 29-19-8 NMSA 1978 prohibiting the carrying of concealed handguns on the school premises from a fourth degree felony for carrying a deadly weapon on school premises. SB 428 enlarges the definition of "school premises" to include a public preschool and grounds where

school or school-related activities are being operated under the supervision of a local school board or CYFD and PED acting jointly. Section 30-7-2.4 NMSA 1978, governing the petty misdemeanor crime of unlawful carrying of a firearm on university premises, is similarly amended to permit the carrying of a concealed firearm by a licensee unless signs have been posted pursuant to Section 29-19-8 NMSA 1978. SB 428 clarifies that a university is required to conspicuously post notices that it is unlawful to carry a firearm on university premises except as otherwise provided for concealed handguns in Subsection A(5).

SB 428 amends Section 30-7-3 NMSA 1978 governing the unlawful carrying of a firearm in a licensed liquor establishment to require that the license of the person carrying the concealed handgun be issued or recognized by the DPS, and providing that the carrying is not permitted when signs have been posted pursuant to Section 29-19-8 NMSA 1978 prohibiting the carrying of concealed handguns on the licensed premises. SB 428 removes provisions specifying the types of licensed premises that may post signs.

SB 428 also amends Section 30-7-2 NMSA 1978 to make technical and conforming changes.

FISCAL IMPLICATIONS

The AOC states there will be a minimal administrative cost 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 any associated decrease in 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.

Because the bill does not change licensing requirements, LFC staff analysis projects the bill will have no fiscal impact. The bill could potentially generate some savings within the courts if fewer unlawful carrying of a firearm cases are filed.

SIGNIFICANT ISSUES

AOC analysis states it is possible that HB 428 could lead to a reduction in the number of prosecutions for unlawful carrying of a firearm on various premises. With the introduction of SJR 5 and SB 56, allowing for the carrying of a loaded concealed handgun without a permit or license, there is a move to broaden the instances and locations in which a concealed handgun may be carried. Some believe that the broadening of concealed carry laws and the increase in the number of people carrying concealed weapons has spurred a marked decrease in violent crime. *See, Study: More Concealed & Constitutional Carry, Less Crime. But *see, Most Americans are wrong about whether concealed carry makes us safer*.*

AOC also references a report from the Law Center to Prevent Gun Violence:

Almost every state imposes at least some restrictions on the locations in which concealed weapons may be carried. The majority of states prohibit concealed weapons on school property, in prisons or jails, courthouses and other government buildings. A smaller number of jurisdictions prohibit concealed weapons in a wide range of other locations, including places of worship (Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Dakota, South Carolina, Texas, Utah, Virginia and Wyoming); bars or other establishments which serve alcohol on their premises (Alaska, Florida, Illinois, Kentucky, Louisiana,

Michigan, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Texas, Washington and Wyoming); polling places (Arizona, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, South Carolina and Texas); public sporting events (Kansas, Michigan, Missouri, Nebraska, North Dakota and Oklahoma); hospitals and/or medical facilities (Michigan, Missouri, Nebraska, South Carolina and Texas); sites where gambling is permitted (Indiana, Michigan, Missouri, North Dakota, Oklahoma and Pennsylvania); and mental health facilities (Kansas, Ohio, Pennsylvania and Washington).

PERFORMANCE IMPLICATIONS

AOC explains the courts are participating in performance-based budgeting. This bill may have an impact on the measures of cases disposed of as a percent of cases filed and percentage change in case filings by case type.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The AOC explains the bill conflicts with HB 483 (providing exemptions to certain prohibitions on carrying a concealed handgun for a person with an enhanced concealed handgun license), SB 56 (permitting a person 18 or older, who is not prohibited by federal or state law or court order from possessing or carrying a firearm, to carry a loaded concealed handgun without the issuance of a concealed handgun license) and SJR 5 (proposing to amend the constitution to permit a person to carry a concealed firearm without a permit).

TR/jle/al