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FISCAL IMPACT REPORT

SPONSOR Jones/Reeb/Rehm LAST UPDATED _____
ORIGINAL DATE 3/1/23
BILL
SHORT TITLE Firearms & Undocumented Persons NUMBER House Bill 514
ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorneys (AODA)

Department of Public Safety (DPS)

Law Offices of the Public Defender (LOPD)

New Mexico Attorney General (NMAG)

New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of House Bill 514

House Bill 514 amends existing law to prohibit an undocumented person from receiving, transporting, or possessing a firearm or destructive device. “Undocumented person” is defined to mean “an individual not legally present in the United States at the time of the possession at issue.”

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

Because this bill contains no penalty for the unlawful act that is newly prohibited, there is no fiscal impact to the state.

SIGNIFICANT ISSUES

As AODA points out, the criminal sanctions already in existing law are specific to the other persons described in this section. A criminal sanction specific to an undocumented person may be necessary to satisfy the intent of the bill.

TECHNICAL ISSUES

In addition to adding a criminal sanction, the definition of undocumented person may be too narrow. Although “possession” may be subsumed in “receive” and “transport,” as those terms are specified in the definition of the unlawful act, the inclusion of these specific terms may avoid any later confusion.

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