

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 38 proposes to enact a new section of Chapter 30, Article 7 NMSA 1978 to create the crime of unlawful possession of a weapon conversion device. Unlawful possession of a weapon conversion device would consist of knowingly having or transporting a weapon conversion device. Each device would be a separate offense, and each offense would be a third degree felony.

The bill provides definitions of “fully automatic weapon”, “semiautomatic weapon”, and “weapon conversion device,” as follows:

- A fully automatic weapon is “a weapon that shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single and continuous held pull of the trigger”;
- A semiautomatic weapon is “a repeating rifle, shotgun or pistol, regardless of barrel or overall length, that uses a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or spent shell and chamber the next round and that requires a separate pull of the trigger to fire each cartridge or shell; and
- A weapon conversion device is “a part or combination of parts designed and intended to convert a semiautomatic weapon into a fully automatic weapon”.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Weapon conversion devices are banned by federal law and in 23 states (California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Virginia, Washington, and Wisconsin) and the District of Columbia. See “Auto Sears” by the Gifford Law Center, here: <https://giffords.org/lawcenter/gun-laws/policy-areas/auto-sears/>.

The average sentence length for an individual convicted and sentenced to a term of incarceration for a weapons-related third degree felony in New Mexico between January 2023 and September 2024 (the latest dataset available for this cohort) was 2.8 years. While it is difficult to determine what the effect of passing HB 38 would be on the state’s prison population, its addition of a new crime would likely lead to more people being incarcerated by the Corrections Department. The average cost to incarcerate someone in the state’s prison system is \$155.63/day; this average

includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATION

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS