

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: House
Number: 38

Category: Bill
Type: Introduced

Date (of THIS analysis): 1/22/2025
Sponsor(s): Kathleen Cates
Short Title: Possession of weapon conversion device
Reviewing Agency: Agency 665- Department of Health
Analysis Contact Person: Arya Lamb
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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	NA	NA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	NA	NA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

No impact on NMDOH operating budget

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 38 (HB0038) proposes to add a new section to Chapter 30, Article 7 NMSA 1978 to:

- Create a third-degree felony for those with unlawful possession or knowingly transporting a weapon conversion device, meaning a part or combination of parts intended to convert a semiautomatic firearm into a fully automatic firearm.
- Each weapon conversion device found in violation would constitute a separate offense.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Firearm Deaths in New Mexico

- Between 2011 and 2022, the age-adjusted firearm death rate in New Mexico increased by 84% (from 14.8 per 100,000 population in 2011 to 27.3 per 100,000 population in 2022).
- Between 2011 & 2022, New Mexico's rank among U.S. states increased from 10th highest to 3rd highest in the U.S.
- In 2011, New Mexico's age-adjusted firearm death rate was 45% higher than the U.S. In 2022, New Mexico's age-adjusted firearm death rate was 90% higher than the U.S.
- Between 2019 and 2023, the number of firearm deaths has increased by 7% from 472 (in 2019) to 505 (in 2023). The number of firearm deaths also peaked at 562 firearm deaths (in 2021), which is a 19% increase between 2019 and 2021.
- Homicide with a firearm increased by 29% from 158 (in 2019) to 204 (in 2023). The number of homicides with a firearm also peaked at 224 firearm deaths (in 2021), which is a 42% increase between 2019 and 2021.
(Unpublished data, [BVRHS](#)).

What are firearm conversion devices?

Firearm conversion devices transform a semi-automatic weapon into an automatic weapon, drastically increasing the rate of fire. This increased rate of fire can significantly amplify the lethality of shooting incidents. Moreover, the reduced control over the firearm when operating as

an automatic weapon raises the likelihood of accidental shootings. According to the ATF, the presence of these devices at crime scenes has surged by **570% from 2017-2021** compared to the previous four-year period. (Source: [NFCTA PART VII](#), page 4)

Other States with similar laws that ban firearm conversion devices

- Twenty-three other states and the District of Columbia have enacted their own laws on weapon conversion devices including auto sears (a type of firearm conversion device that enables a semiautomatic weapon to fire one to two dozen rounds per second) (<https://giffords.org/lawcenter/gun-laws/policy-areas/auto-sears/#:~:text=18,may%20also%20include%20bump%20stocks>).
 - Auto sears have been the focus of these laws since:
 - auto sears are often smuggled into the U.S. from Russia or China; and
 - auto sears are relatively inexpensive to manufacture
 - a 2019 ATF investigation found almost 4,000 PayPal orders for auto sears from a single exporter that sold each device for under \$20
 - Similar bans in other states included:
 - Nine states (Illinois, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New York, and Virginia) that have a broader ban on devices which include the wording “machine gun conversion devices” or “rapid fire trigger activators” (which could also include bump stocks)
 - Eight states and the District of Columbia (California, Connecticut, Delaware, District of Columbia, Hawaii, Indiana, Louisiana, Washington, and Wisconsin) that banned conversion devices “designed and intended solely and exclusively for use in converting a weapon into a machine gun”
 - New Jersey prohibits “any instrument or device adaptable for use as a machine gun”
 - Five states (Colorado, Iowa, North Carolina, Rhode Island, and South Carolina) also go beyond federal law by banning any conversion device “intended for use in converting a weapon into a machine gun, even if that is not the sole or exclusive purpose of the part”

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 - Yes No
 - If yes, describe how.
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

DISPARITIES IN SEX

- The number of firearm deaths for females peaked in 2022, which is a 23% increase for females between 2019 (73 deaths) and 2022 (93 deaths).
 - The number of firearm deaths for males peaked in 2021, which is a 21% increase between 2019 (399 deaths) and 2021 (483 deaths).
 - In 2021, males (483 deaths) were 610% more likely to have a firearm death compared to females (79 deaths).
- (Unpublished data, [BVRHS](#)).

DISPARITIES IN AGE

- A 34% increase in firearm deaths for residents aged 0-24
- A 30% increase in firearm deaths for residents aged 25-64 between 2019 (287 deaths) and 2021 (372 deaths)
- A 10% decrease in firearm deaths for residents older than 65 between 2019 (87 deaths) and 2023 (78 deaths)

(Unpublished data, [BVRHS](#)).

DISPARITIES IN RACE AND ETHNICITY

- Firearm deaths for American Indian or Alaska Natives (AIAN) increased by 114% between 2019 (27 deaths) and the peak in 2022 (58 deaths)
- Firearm deaths for Hispanics increased by almost 40% between 2019 (206 deaths) and the peak in 2021 (288 deaths)
- Firearm deaths for non-Hispanic Whites decreased by 11% between 2019 (213 deaths) and 2023 (189 deaths)

(Unpublished data, [BVRHS](#)).

8. HEALTH IMPACT(S)

Firearm Deaths in New Mexico

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(Unpublished data, [BVRHS](#)).

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB38 does not pass there will be no new section to Chapter 30, Article 7 to implement a new third degree felony charge for being in possession or knowingly transporting a weapon conversion device.

12. AMENDMENTS

None