

LFC Requester:	Rachel Mercer Garcia
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)**

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: February 5, 2025 *Check all that apply:*
Bill Number: HB 39 Original Correction
 Amendment Substitute

Sponsor: Kathleen Cates/Charlotte Little **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Juvenile/Adult firearm changes **Person Writing:** Donald Gallegos
Title: _____ **Phone:** 5757703120 **Email:** dgallegos@questalaw.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Consumer Public Affairs Committee (HCPAC) proposed the following amendments to HB 39 as introduced:

- Adds the language “Notwithstanding any other provision to the contrary, records...” to Subsection L of Section 32A-2-26 NMSA 1978.
- Amends Subsection A of Section 32A-2-18 NMSA 1978 by adding the language “Except as provided in Subsection D of this section,” page 10.
- Adds Subsection D to Section 32A-2-18 NMSA 1978 providing that a person who has received a judgment in a proceeding on a petition under the delinquency act that results in a juvenile disposition for a delinquent act involving the use of a firearm that would constitute a felony if committed by an adult shall be considered a conviction of a crime punishable by imprisonment for a term exceeding one year for the purpose of the federal gun control act of 1968 for a period of 10 years following the disposition, regardless of whether the judgment results in an adult sentence. Page 11.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.
 None

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

SIGNIFICANT ISSUES

The language “Notwithstanding any other provision to the contrary,” means that if there are any other provisions in the Children’s Code that would mandate the sealing of records, this particular provision in Subsection L would preempt any other provision to the contrary. In other words, the records shall be made available to federal authorities for purposes of conducting a background check.

The language in subsection A of Section 32A-2-18, if NMSA 1978 exempts the provisions of Subsection D from Subsection A.

Subsection D is added to provide that a judgment in a delinquency act proceeding involving the

use of a firearm that would constitute a felony if committed by an adult shall be considered a conviction of a crime for a period of 10 years following the disposition regardless of whether the judgment results in an adult sentence.

Prior to the proposed amendments by HCAPC, the children's code was not addressed in the amendments proposed in HB 39. The major change in the proposed amendments includes the necessary language in the delinquency act of the children's code.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS