

LFC Requester:

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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/5/2025

Check all that apply:

Bill Number: HB39

Original Correction
Amendment Substitute

Sponsor: Rep. Kathleen Cates

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: JUVENILE RECORD IN FIREARM BACKGROUND CHECKS

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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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Section 1: House Bill 39 (HB39) adds language to NMSA 1978, Section 30-7-16(1981) making it a third degree felony to be in possession of a firearm or destructive device if the offender is “an adult subject to a juvenile disposition for a delinquent act involving a firearm under the Delinquency Act that would be a felony if committed by an adult, regardless of whether the judgement resulted in an adult sentence.”

The bill adds a definition of a *juvenile delinquent convicted of a delinquent act involving a firearm*, which limits the time frame to ten years from the date of the juvenile disposition involving a firearm, and requires that the juvenile has not been pardoned.

Section 2: HB39 Section 2 amends NMSA 32A-2-26(1993) requiring records for juveniles found to be delinquent for crimes involving firearms be made available to federal authorities for the use in criminal background checks pursuant to 18 USC Section 922(t), and to the state and local law enforcement to determine if a suspect is in violation of the provisions added in Section 1 of this bill.

Section 3 - House Bil 39 Amendment (HB39-A) would add procedural guidelines under NMSA Section 32A-2-18 for the Children’s Code to provide a provision establishing that a juvenile who receives a juvenile disposition for a delinquent act involving the use of a firearm that would be a felony if committed by an adult shall be considered to have a conviction of a crime punishable by imprisonment for a term exceeding one year for the purposes of the federal Gun Control Act of 1968, regardless of whether the judgment results in an adult sentence.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

HB39-A – provides additional relationship with the federal Gun Control Act of 1968.

TECHNICAL ISSUES

None noted

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A