

<b>LFC Requester:</b>	<b>Rachel Mercer-Garcia</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

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*(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:** 02/04/2025 *Check all that apply:*  
**Bill Number:** HB39 Original  Correction   
 Amendment  Substitute

**Sponsor:** Kathleen Cates **Agency Name and Code Number:** 770-NMCD  
**Short Title:** Felony Firearm Possession and Prior Juvenile Delinquency **Person Writing:** Anisa Griego-Quintana  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	0	Moderate	Moderate	Moderate	Recurrent	General

(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:** The House Consumer and Public Affairs Committee amendment to HB39 expands the scope of the original's provisions regarding juvenile disposition. It adds a provision that a judgment under the Delinquency Act resulting 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.

The original proposal would bring an adult's record of juvenile delinquency and use of a firearm into consideration for adult felony firearm possession and firearm background checks. Requires that records of a juvenile disposition involving use of a firearm for a delinquent act that would be a felony if committed by an adult are to be made available to federal authorities for purposes of conducting federal instant background checks and to state and local law enforcement for purposes of determining whether a person may receive, transport, or possess a firearm or destructive device. The bill would also make it a third-degree felony for firearm possession by an adult subject to a juvenile disposition for a delinquent act involving the use of a firearm that would be a felony if committed by an adult.

#### **FISCAL IMPLICATIONS**

The proposed amendment to House Bill 39 aims to further increase accountability and deterrence for juveniles who commit serious offenses involving firearms by making them ineligible to legally possess firearms for 10 years, even if they serve time as a minor or are rehabilitated. Knowing that a felony disposition could have lasting legal effects might deter juveniles from engaging in criminal activities involving firearms, but it could also lead to an increase in transfers of individuals to adult facilities after turning 18.

Since the amendment specifies a 10-year restriction for firearm possession, this could lead to an increase in post release supervision for adult offenders. As a result, the Corrections Department may see a need for additional diversion programs that focus on gun violence and prevention and intervention designed to educate individuals from continuing their criminal behavior after their initial disposition.

#### **SIGNIFICANT ISSUES**

None for the Corrections Department.

#### **PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

**ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None for the Corrections Department.

**TECHNICAL ISSUES**

None for the Corrections Department.

**OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

**ALTERNATIVES**

None for the Corrections Department.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

None proposed by the Corrections Department.