

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 83 adds a new section to Chapter 30, Article 7 titled “Permitless Carry”. This new section states, “A person who is eighteen years of age or older and is not prohibited by federal or state law or a court order from possessing or carrying a firearm may carry a loaded firearm on the person’s own person. The carrying of the firearm may be concealed or open”.

House Bill 83 eliminates “firearms” and “concealed loaded firearm” from the following sections:

- 30-7-1 Carrying a Deadly Weapon
- 30-7-2 Unlawful Carrying of a Deadly Weapon
- 30-7-13 Carrying Weapons Prohibited

House Bill 83 also repeals Sections 30-7-2.2 through 30-7-3 NMSA 1978. These repealed sections include:

- 30-7-2.2 Unlawful possession of a handgun by a person
- 30-7-2.3 Seizure and forfeiture of a handgun possessed or transported by a person in violation of unlawful possession of a handgun by a person
- 30-7-2.4 Unlawful carrying of a firearm on university premises
- 30-7-3 Unlawful carrying of a firearm in licensed liquor establishments

HB 83 does not contain an effective date and would be effective on June 20, 2025, 90 days following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS – none identified.

SIGNIFICANT ISSUES

HB 83 would allow any person who is not prohibited under federal or state law to carry a firearm, either concealed or open. The Concealed Handgun Carry Act, Section 29-19-1 NMSA 1978, directs the Department of Public Safety to issue concealed handgun licenses since the Act became effective on July 1, 2003. While HB 83 does not reference the Concealed Carry Handgun Act, it seems that if this bill is passed it would render this Act unenforceable.

HB 83 also repeals Sections 30-7-2.2 through 30-7-3 NMSA 1978, which defines unlawful possession of a handgun by a person, allows seizure and forfeiture of handgun possessed or transported by a person, and makes it unlawful to carry a firearm on university premises and liquor establishments. As drafted, this legislation essentially removes all criminal liability for carrying a handgun, except on school premises under Section 30-7-2.1 NMSA 1978.

PERFORMANCE IMPLICATIONS – none identified.

ADMINISTRATIVE IMPLICATIONS – none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP – none identified.

TECHNICAL ISSUES – none.

OTHER SUBSTANTIVE ISSUES – none identified.

ALTERNATIVES – none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – none.

AMENDMENTS – none.