

LFC Requestor: SANCHEZ, Scott

**2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS**

**Section I: General**

**Chamber:** House **Category:** Bill  
**Number:** 101 **Type:** Introduced

**Date (of THIS analysis):** 01/24/2025  
**Sponsor(s):** Andrea Reeb  
**Short Title:** FIREARM AT POLLING PLACE FOR LAW ENFORCEMENT

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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	NA	NA	\$0

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

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

### **Section III: Relationship to other legislation**

Duplicates: None

Conflicts with: HB83

Companion to: None

Relates to: None

### **Section IV: Narrative**

#### **1. BILL SUMMARY**

a) Synopsis

House Bill 101 (HB0101) proposes to amend Section 1-20-24 NMSA 1978 to make an exemption to unlawful possession of a firearm at a polling place for commissioned law enforcement officers.

HB0101 proposes to add language extending this exemption to “a commissioned law enforcement officer with the power to arrest in performance of the officer’s official duties” as well as “a commissioned law enforcement officer with the power to arrest acting in accordance with the policies of the officer’s law enforcement agency”.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

House Bill 101 (HB0101) proposes to amend Section 1-20-24 NMSA 1978 to make an exemption to unlawful possession of a firearm at a polling place for commissioned law enforcement officers. This exemption already exists for “certified” law enforcement officers in performance of their official duties. HB0101 proposes to add language extending this exemption to “a commissioned law enforcement officer with the power to arrest in performance of the officer’s official duties” as well as “a commissioned law enforcement officer with the power to arrest acting in accordance with the policies of the officer’s law enforcement agency”. HB0101 would expand the population of law enforcement officers that would be allowed to possess firearms at polling places. The policies of individual law enforcement agencies could impact whether a commissioned officer could possess a firearm at a polling place while not performing official duties.

### **Firearm Deaths in New Mexico**

New Mexico has had one of the highest age adjusted firearm death rates in the U.S. over the past two decades.

Over the past decade (2011-2022):

- 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).
- New Mexico's firearm death rate ranking among U.S. states increased from 10th highest to 3rd highest in the U.S.
- the gap in the age adjusted firearm death rate between New Mexico and the U.S. has also widened between 2011 and 2022. More specifically, 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.

More recent trends in firearm deaths in New Mexico (2019-2023) indicate that:

- The number of firearm deaths has increased by 7% from 472 (in 2019) to 505 (in 2023). However, the number of firearm deaths also peaked at 562 firearm deaths (in 2021), which is a 19% increase between 2019 and 2021.
- Suicide with a firearm has remained relatively stable between 2019-2023.
- However, homicide with a firearm increased by 29% from 158 (in 2019) to 204 (in 2023). The number of homicides with firearms also peaked at 224 firearm deaths (in 2021), which is a 42% increase between 2019 and 2021.
- In 2022, there were a total of 550 firearm-related deaths in New Mexico that included 214 homicides, which represents 39% of all firearm deaths in New Mexico (Unpublished data, [NM BVRHS](#)).
- In 2022, 77.0% (or 214 out of 278) of homicides involved a firearm (Unpublished data, [NM BVRHS](#)).
- Over the past several years, firearms have become the leading cause of death for children and adolescents in America ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).

### **Legal Intervention Firearm Deaths in New Mexico**

- Between 2018-2023, New Mexico ranked the highest in age adjusted rate per 100,000 for legal interventions involving a firearm.
- Between 2018-2023, New Mexico was 400% higher than the U.S. in Legal Interventions involving a firearm. ([Underlying Cause of Death, 2018-2023, Single Race Request Form](#), CDC WONDER)

### **Similar Laws in Other States:**

- Twenty-two states and Washington, D.C., explicitly limit firearms at voting sites. The laws vary in scope: In 15 states and D.C., civilians can neither openly nor concealed carry a firearm at polling locations. The remaining seven states only prohibit one or the other. ([States Prep for Election With Polling-Place Gun Restrictions](#))

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?  
 Yes  No
- 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

### All Firearm Death Disparities

- In 2021, males (483 deaths) were 610% more likely to have a firearm death compared to females (79 deaths).
- 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](#)).

#### **Legal Interventions Involving a Firearm Disparities**

- From 2018-2022, Males (83 deaths) were 1975% more likely to have a legal intervention death involving a firearm compared to females (4 deaths)
- Between 2018-2022, Hispanics (69 deaths) were 8.6 times more likely to die from a legal intervention involving a firearm compared to White individuals (8 deaths)
- Between 2018-2022, Hispanics (69 deaths) were 9.9 times more likely to die from a legal intervention involving a firearm compared to American Indian/Alaskan Native individuals (7 deaths)
- Between 2018-2022, the age group with the highest number of deaths due to legal interventions involving a firearm is 25-34 years old (26 deaths), followed by 35-44 years old (21 deaths), and 45-54 years old (18 deaths). (Unpublished data, New Mexico Violent Death Reporting System)

#### **9. HEALTH IMPACT(S)**

None

#### **10. ALTERNATIVES**

None

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

If House Bill 101 does not pass there will be no amendment to Section 1-20-24 NMSA 1978 to make an exemption to unlawful possession of a firearm at a polling place for commissioned law enforcement officers.

#### **12. AMENDMENTS**

The bill does not contain definitions of commissioned officers or certified officers. Definitions would clarify the intent of the bill.