

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 166 amends Section 30-7-16 NMSA 1978 by adding a “destructive device” as being unlawful if possessed by a felon. In addition, HB 166 increases the penalty for a third-degree felony conviction for possession of a firearm or destructive device from three years to five years imprisonment under Section 31-18-15 NMSA 1978 and also increases the penalty for a second and subsequent offense to a second-degree felony. This legislation also increases the penalty for a serious violent felon found in possession of a firearm or a destructive device from a third-degree to a second-degree felony.

The effective date of this legislation is July 1, 2025.

FISCAL IMPLICATIONS

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury costs. These additional costs are not capable of quantification.

There will be a minimal administrative cost for the statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

Section 30-7-16(B) NMSA 1978 was amended in 2020 to increase the penalty for the offense of felon in possession of a firearm from a fourth-degree felony to a third-degree felony. HB 166 seeks to again increase the basic sentence of imprisonment for this third-degree felony offense from three years imprisonment to a minimum of five years imprisonment. If passed, under Section 31-18-15 NMSA 1978, this would be the only third-degree felony with a minimum term of imprisonment greater than three years.

HB 166 also increases the penalty for a second and subsequent offense for a felon in possession of a firearm or destructive decision to a second-degree felony. The basic sentence for a second-degree felony offense is nine years imprisonment.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

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.