

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(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:** 30 JAN 2025 *Check all that apply:*  
**Bill Number:** HB 166 Original  Correction   
 Amendment  Substitute

**Sponsor:** Nichole Chavez, Andrea Reeb, Art De La Cruz  
**Short Title:** FELON IN POSSESSION OF FIREARMS PENALTIES  
**Agency Name and Code Number:** 790 – Department of Public Safety  
**Person Writing:** Dale R. Wagoner  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

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

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

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

(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**

House Bill 166 (HB166) imposes a third-degree felony for a felon in possession of a firearm or destructive device, which is punishable by up to of three years imprisonment. It further provides that a second or subsequent offense is a second-degree felony, which is punishable by up to nine years imprisonment. Additionally, it increases the penalty for a serious violent felon in possession of a firearm or destructive device to a second-degree felony (up from a third-degree felony).

### **FISCAL IMPLICATIONS**

None to DPS

### **SIGNIFICANT ISSUES**

New Mexico State Police plays a significant role in arresting felons who oftentimes have firearms.

### **PERFORMANCE IMPLICATIONS**

DPS believes the increase in this penalty will have a positive impact on public safety. Felon in Possession of a firearm has become a common charge due to the high number of repeat offenders who carry a firearm. The increasing prevalence of firearms in the hands of repeat offenders has led to numerous violent incidents throughout our state. There is currently a very significant decrease in deterrence in these cases when they are not prosecuted Federally due to the low State penalty. This bill would help alleviate that difference and not only serve as a strong deterrent, but incapacitate individuals involved in these types of cases who have shown repeated disregard for the law. Any step to decrease the number of armed criminals in public would be beneficial. The suspects charged in these cases have already shown themselves to be a threat to public safety by being convicted of their first felony case. In this case they are continuing to be a threat and disregard the law by carrying a firearm even after the previous conviction.

The New Mexico Law Enforcement Academy already addresses how officers are expected to investigate and address cases involving possession of firearms, and specific firearms enforcement procedures, particularly those who are prohibited from possessing firearms under law. Therefore, no additional time/resources would be required of the Academy should this bill pass.

### **ADMINISTRATIVE IMPLICATIONS**

No administrative implications to DPS.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB166 is similar to 2024 HB46 and related to 2023 HB458, HB61, and HB113

### **TECHNICAL ISSUES**

No technical issues to DPS.

### **OTHER SUBSTANTIVE ISSUES**

No other substantive issues to DPS.

### **ALTERNATIVES**

Not applicable as no impact to DPS.

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

Status Quo will remain.

### **AMENDMENTS**

None at this time.