

<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:** 01/31/2025 *Check all that apply:*  
**Bill Number:** HB235 Original  Correction   
 Amendment  Substitute

**Sponsor:** Jennifer Jones, Nicole Chavez & Andrea Reeb **Agency Name and Code Number:** 770-NMCD  
**Short Title:** Firearms and Certain Persons **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	0	0	N/A	Recurring	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: House Bill 235 would amend the Criminal Code for two ostensible purposes: to add “undocumented aliens” to the list of persons for whom receipt, transport, or possession of a firearm or destructive device is unlawful, and to include a definition for “undocumented aliens” in the Criminal Code, where it does not appear to otherwise be used. Possession of a firearm by prohibited persons is a misdemeanor,

“Undocumented alien” means a person who is a foreign national and who is illegally or unlawfully present in the United States as provided by federal law.

#### **FISCAL IMPLICATIONS**

No significant fiscal impact for the Corrections Department

#### **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**

The majority position of federal courts that have reached the issue seems to be that the federal restriction on possession of firearms by undocumented persons does not violate the Second Amendment to the U.S. Constitution. However, in 2024, a federal district court judge in Illinois ruled that a federal restriction on possession of a firearm by the undocumented defendant in the case was unconstitutional under the Second Amendment. *See United States v. Carbajal-Flores*, 720 F. Supp. 3d 595, 601 (N.D. Ill. 2024).

#### **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.