

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to 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: 7 February 2025 *Check all that apply:*
Bill Number: HB 248 Original Correction
 Amendment Substitute

Sponsor: Pettigrew **Agency Name and Code** NM Sentencing Commission -- 354
Short Title: Carrying a Firearm While Trafficking **Number:** _____
Person Writing Douglas Carver
Phone: 505-239-8362 **Email** dhmcarver@unm.edu

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

HB 248 creates a new crime, unlawful carrying of a firearm while trafficking a controlled substance, which consists of carrying a firearm while violating the provisions of Section 30-31-20 NMSA 1978 (the trafficking of controlled substances statute). Whoever commits unlawful carrying of a firearm while trafficking a controlled substance is guilty of a third degree felony.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The Sentencing Commission looked at cases filed and people incarcerated at present for a violation of Section 30-31-20 NMSA 1978, trafficking a controlled substance. There were 1,620 cases filed on or after July 1, 2023 that had a violation of Section 30-31-20 as the lead offense. This includes cases that are pending/not yet disposed. There were 223 people incarcerated with a lead offense statute of Section 30-31-20 that entered NMCD during FY24.

Looking at the various firearms statutes presently in the Criminal Code, Sections 30-7-1 through 30-7-4, and Section 30-7-6, there were a total of 1,056 cases filed in FY24 that had lead offense as a violation of one of these statutes. Additionally, there were a total of 87 people incarcerated in FY24 with lead offenses of 30-7-1 through 30-7-4 or 30-7-16.

It is difficult to determine what the effect of passing HB 248 would be on the state's prison population. The average per day cost to incarcerate someone in the state's prison system is \$155.63/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS