

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: 6 FEB 2025 *Check all that apply:*
Bill Number: HB 248 Original Correction
 Amendment Substitute

Sponsor: R. Pettigrew, J. Sanchez, A. De La Cruz
Short Title: Unlawful Carrying of a Firearm While Trafficking a Controlled Substance
Agency Name and Code: 790 – Department of Public Safety
Number: _____
Person Writing: Emmanuel T. Gutierrez
Phone: 505-917-2952 **Email:** Emmanuel.gutierrez@dps.nm.gov

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
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Virtually identical to 2024 HB47, very similar to 2023 HB59
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 248 (HB 248) creates the crime of unlawful carrying of a firearm while trafficking a controlled substance, making it a third-degree felony, and subject to sentencing under provisions of Sec. 31-18-15 (Criminal Sentencing Act). As used in this section, “firearm” means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion or the frame or receiver of any such weapon.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

This bill creates the crime of **unlawful carrying of a firearm while trafficking a controlled substance** in New Mexico. It makes it illegal to carry a firearm while violating the state's drug trafficking laws (Section 30-31-20 NMSA 1978). A person convicted of this offense will be guilty of a **third-degree felony** and will be sentenced under existing state law (Section 31-18-15 NMSA 1978). Although HB 248 creates a new crime, the crime of unlawful carrying of a firearm while trafficking a controlled substance requires an individual to also be convicted of the crime of trafficking a controlled substance. As a result, the bill functions more as a sentence enhancement than a new crime. The bill is not anticipated to result in more individuals being admitted to prison as those individuals would already be admitted to prison for drug trafficking, but it is anticipated to increase the amount of time they spend in prison.

It is not clear from the language in the bill that a conviction for the crime of unlawful carrying of a firearm while trafficking without a simultaneous conviction for trafficking would constitute a conviction for trafficking in subsequent prosecutions.

PERFORMANCE IMPLICATIONS

This bill reduces the risk of **violent crime** associated with drug trafficking and prevents armed drug dealers from posing an **increased threat** to law enforcement and the public. It adds an additional **felony charge** for those involved in drug trafficking while armed. Many states and federal laws already impose **additional penalties** for carrying a firearm while committing a drug crime. In turn, this could lead to **fewer violent encounters** in communities affected by drug activity. Currently, these types of offenses are prevalent in daily law enforcement investigations in New Mexico. DPS supports this legislation.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

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.