

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/14/2025

Check all that apply:

Bill Number: HB 384

Original x Correction
Amendment Substitute

Sponsor: Rep. Stefani Lord, Rep. John Block

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Repeal Firearm Sale Waiting Period

Person Writing Analysis: AAG Andrew Coffing

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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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: HB 384 would repeal NMSA 30-7-7.3, which, broadly, governs the requirements of a seven (7) day waiting period and federal instant background check to purchase a firearm, the criminalization of the failure to abide by the statute and the exceptions to said requirements.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 384 is a duplication of HB 162, currently in House Consumer and Public Affairs Committee.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

NMSA 30-7-7.3 has recently been ruled on by the federal district court in Ortega v. Lujan Grisham, 741 F.Supp.3d 1027, (D.N.M. 2024). The court found that the statute was presumptively constitutional and consistent with the nation’s historical tradition of firearm regulation and denied a preliminary injunction enjoining its enforcement. This matter is currently calendared for appeal in the 10th Circuit.

ALTERNATIVES

Status quo.

AMENDMENTS

N/A