

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

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

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*(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:** February 24, 2025      Check all that apply:  
**Bill Number:** HB 566      Original  Correction   
 Amendment  Substitute

<p><b>Sponsor:</b> Stefani Lord, Jimmy G. Mason, John Block, William A. Hall II and Harlan Vincent</p> <p><b>Short Title:</b> Gun Waiting Period &amp; Law Enforcement</p>	<p><b>Agency Name and Code Number:</b> AOC 218</p> <p><b>Person Writing:</b> Patricia M. Galindo</p> <p><b>Phone:</b> 505-670-2656    <b>Email:</b> <a href="mailto:aocpmg@nmcourts.gov">aocpmg@nmcourts.gov</a></p>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None	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>	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: House Bill 565  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 566 amends Section 30-7-7.3 NMSA 1978 by expanding the list of firearm purchasers exempt from the mandatory seven day waiting period when purchasing a firearm in New Mexico from a licensed gun dealer to include law enforcement officers who are not permanently disqualified from possessing a firearm.

HB 566 does not contain an effective date and would be effective on June 20, 2025, 90 days following adjournment of the Legislature, if signed into law.

#### **FISCAL IMPLICATIONS**

There will be a minimal administrative cost for the statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

#### **SIGNIFICANT ISSUES**

HB 566 would exempt a potential firearm purchaser from the mandatory seven day waiting period for purchasing a firearm from a licensed gun dealer if the potential purchaser is not “permanently disqualified from possessing a firearm” and is:

- a law enforcement officer authorized to carry a firearm and certified pursuant to federal law of the Law Enforcement Training Act;
- a former or retired law enforcement officer who was authorized to carry a firearm and certified pursuant to federal law or the Law Enforcement Training Act;
- a commissioned law enforcement officer who has the power to arrest while performing the officer’s official duties; or
- a law enforcement officer of an Indian nation, tribe or pueblo who is authorized to carry a firearm.

HB 566 would create several issues that would make implementation of this exception problematic. First, is the term “permanently disqualified from possessing a firearm”. Under both federal and state law, there are multiple methods available to an individual to obtain a restoration of firearm rights so in essence, any state firearm prohibitor is not permanent. Under New Mexico law, an individual can request a pardon from the governor for a prior criminal conviction so any criminal conviction in New Mexico is technically not permanent. There are also several types of orders issued by New Mexico courts that are not permanent: domestic violence orders of protection (restraining orders) and extreme risk firearm protection orders (ERFPOs) are only firearm prohibitors while the Order remains in effect.

The background check process for a gun sale would also be impacted by HB 566. When a person tries to buy a firearm, the seller, known as a Federal Firearms Licensee (FFL), has the prospective buyer fill out the [ATF form](#), and the FFL relays that information to the FBI, who

then searches databases to verify if the buyer is eligible to purchase a firearm based on their criminal history and other disqualifying factors. The FBI conducts the background check using the National Instant Background Check System (NICS). <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics> The FBI is the entity that reviews potential firearm prohibitions and relays this information to the FFL. The FFL only receives the following responses to a background check for a gun purchase: proceed, delay or deny. As written, HB 566 would actually result in a greater number of “delay” responses since the FBI would need to manually review any firearm prohibitor generated from a New Mexico case to see if the firearm prohibitor makes the attempted purchaser “permanently disqualified from possessing a firearm”.

**PERFORMANCE IMPLICATIONS** – none identified.

**ADMINISTRATIVE IMPLICATIONS** - none identified.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP** - none identified.

**TECHNICAL ISSUES** – none.

**OTHER SUBSTANTIVE ISSUES** - none identified.

**ALTERNATIVES** - none.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL** – none.

**AMENDMENTS** – none.