

LFC Requester:	Sanchez, Scott
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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: 1/28/25 *Check all that apply:*
Bill Number: SB 32 Original Correction
 Amendment Substitute

Sponsor: Sen. Antonio Maestas **Agency Name and Code:** AOC 218
Short Title: Unlawful Possession of Stolen Firearm **Person Writing:** Kathleen Sabo
Phone: 505-470-3214 **Email:** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 32 enacts a new section of the Criminal Code, Chapter 30, Article 7, governing weapons and explosives, to create the fourth degree felony crime of “Unlawful Possession of a Stolen Firearm,” consisting of a person knowingly possessing or transporting a firearm that has been stolen or the person has reason to believe has been stolen, unless that firearm is received or retained with intent to restore it to the owner or to participate in a firearm buyback program.

SB 32 defines “firearm” to mean “a weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion.

SB 32 provides that each firearm possessed or transported in violation of this section shall constitute a separate offense.

SB 32 further provides that a person charged under this section who is also a felon shall not also be charged under Section 30-7-16 NMSA 1978 for the same offense.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for 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, and appeals from convictions. 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

- 1) Section 30-7-16(B) NMSA 1978 provides that a felon found in possession of a firearm shall be guilty of a third degree felony. SB 32, which provides that a person charged under this section who is also a felon shall not also be charged under Section 30-7-16 NMSA 1978 for the same offense, provides a fourth degree felony penalty for possession of a stolen firearm.
- 2) Under 18 U.S.C. § 922(i) and (j) it is illegal for any person, licensed or unlicensed, to transport or possess a stolen gun or stolen ammunition, as long as the person knows the gun is stolen. The punishment for violating this law includes a fine and up to a ten-year sentence.
- 3) See *Stolen Guns Pose A Tremendous Risk to Public Safety*, 2019, <https://everytownresearch.org/wp-content/uploads/sites/4/2019/03/Stolen-Guns-FACT-SHEET-030619B.pdf>, including a listing of “common-sense steps legislators can take to prevent gun thefts”.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed

- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS