LFC Requester:	

# **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 unloaded as a PDF)

	(Maysis must be aproduced as a 1 D1)							
SECTION I: GENERAL INFORMATION {Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}								
	Date Prepared:	February 5, 2	2025	Check all that apply:				
	<b>Bill Number:</b>	SB 244		Original		X	Correction _	<u> </u>
				Amendment Substitute			_	
Sponsor:	Michael Padilla		Agency and Coo Number	le			strative Office Attorneys 26	
Short	Unlawful transfer	of firearm to	Person '	Writing		Tre	oy Davis	
Title:	a minor		Phone:	50538584	461	Er	nail Davistr@	msn.com
CE CETON	THE ENGLISH THE							

## **SECTION II: FISCAL IMPACT**

## **APPROPRIATION** (dollars in thousands)

Appropr	iation	Recurring	Fund		
FY25	FY26	or Nonrecurring	Affected		

(Parenthesis ( ) indicate expenditure decreases)

## **REVENUE** (dollars in thousands)

	Recurring	Fund		
FY25	FY26	FY27	or Nonrecurring	Affected

(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:

Senate Bill 244 would create a new crime of unlawful transfer of firearm to a minor. There are number of exceptions in the bill centered around family transferring the firearm to a minor or a minor using a firearm for hunting and other recreational activities. The crime would also be a predict felony for racketeering charges. The new crime would be a second-degree felony.

### FISCAL IMPLICATIONS

Additional resources for district attorneys' offices, law office of the public defender, and judiciary.

### **SIGNIFICANT ISSUES**

Under SB244 section (F)(3) "minor" is defined as a person under the age of nineteen. Typical definition of minor is under the age of eighteen. SB244 would in violation of Second Amendment of the United States Constitution if the definition of minor is at nineteen. An eighteen year has a connotational right to obtain a firearm. Plus, under the statute the United States military would be in violation for given a gun to a "minor."

The "knowingly" definition would conflict with the mistake of fact the minor's age is not a defense. Under knowingly means a person who knew or should have known would mostly likely eliminate the defense of mistaken age.

### **TECHNICAL ISSUES**