

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate
Number: 244

Category: Bill
Type: Introduced

Date (of THIS analysis): 2/4/25
Sponsor(s): Michael Padilla
Short Title: UNLAWFUL TRANSFER OF FIREARM TO A MINOR

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None
Conflicts with: None

Companion to: None

Relates to: HB38, HB83, SB32, SB253, SB255

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 244 (SB244) creates the crime of unlawful transfer of a firearm to a minor that:

- Adds this crime to the definition of “racketeering”, which is punishable by imprisonment for more than one year
- Has exceptions including:
 - minor attending a hunter’s safety course or handgun safety course or participating in a legal shooting activity
 - minor is using the firearm for target shooting at an established shooting range
 - minor is participating in an organized competition
 - minor participating/practicing for a performance for an organization exempted from U.S. federal income tax
 - minor engaging in legal hunting or trapping
 - minor is on property under control of family (defined)
 - transfer is from minor’s parent, grandparent, or legal guardian

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Firearm deaths in New Mexico

New Mexico (NM) has had one of the highest age-adjusted firearm death rates in the United States (US) over the past two decades. Over the past decade (2011-2022):

- the age-adjusted firearm death rate in NM increased by 84% (from 14.8 per 100,000 population in 2011 to 27.3 per 100,000 population in 2022).
- NM’s rank for age-adjusted firearm death rates went from the 10th highest to 3rd highest in the U.S.
- the gap in the age-adjusted firearm death rate between NM and the US doubled from 2011 to 2022. In 2011, NM’s age-adjusted firearm death rate was 45% higher than the US. In 2022, it was 90% higher.

More recent trends in firearm deaths in NM (2019-2023) indicate that:

- The number of firearm deaths increased by 7% between 2019 and 2023. The number of firearm deaths peaked at 562 firearm deaths (in 2021), representing a 19% increase between 2019 and 2021.
- Suicide with a firearm remained relatively stable between 2019 (285 deaths) and 2023 (273 deaths).
- Homicide with a firearm increased by 29% from 158 (in 2019) to 204 (in 2023). The number of homicides with a firearm also peaked in 2021 (224 firearm deaths), a 42% increase between 2019 and 2021.
 - In 2022, there were a total of 550 firearm-related deaths in NM that included 214 homicides, which represents 39% of all firearm deaths in NM (Unpublished data, [NM BVRHS](#)).
 - In 2022, 77.0% (or 214 out of 278) of homicides involved a firearm (Unpublished data, [NM BVRHS](#)).
- Over the past several years, firearms have become the leading cause of death for children and adolescents in the US ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).
 - In 2022, firearms were the leading cause of death for children (age 1-18) in New Mexico (Unpublished data, [NM BVRHS](#))

Do laws that reduce access to firearms for children and adolescents reduce firearm injury?

Giffords Law Center to Prevent Gun Violence reviewed laws that impose minimum age requirements for the possession and purchase of firearms. This review examined the impact of such laws on rates of suicide, homicide, and unintentional shootings for children and youth ([Minimum Age | GIFFORDS](#)). This review highlighted that:

- 14 states have a minimum age of 21 for all handgun sales from licensed or unlicensed sellers
- 23 states and DC have a minimum age of 18 for all long gun sales from licensed or unlicensed sellers
- 10 states have a minimum age of 21 for possession of a handgun; and
- Many states have laws with exceptions including: possession of long guns with direct adult supervision, minor is hunting or target shooting

A large body of research has found that state laws that limit child access to firearms reduce youth suicide ([Minimum Age | GIFFORDS](#)). For example, Giffords review of this body of research found that:

- State laws that raised the minimum legal age to purchase a firearm to 21 years had a 9% decrease in suicides involving firearms for 18 to 20 year olds

In addition, Raifman et al. (2020) compared adolescent suicide rates in 46 states with no policy changes between 2001 and 2017 with Missouri and South Carolina that lowered the age for handgun sales in 2007 and 2008 respectively, and West Virginia and Wyoming that increased the age for handgun sales in 2010 ([State handgun purchase age minimums in the](#)

[US and adolescent suicide rates: regression discontinuity and difference-in-differences analyses - PubMed](#)). Several key findings were that:

- States that limited sale of handguns to individuals 21 or older had 1.91 fewer suicides per 100,000 adolescents (age 18-20).
- States that lowered the age of handgun sales had higher suicide rates while states that raised the age of handgun sales had no significant change in their suicide rates

Similarly, Rubin (2022) examined the impact of the number of firearm safety laws (highest vs. fewest) on suicide and found that (<https://jamanetwork.com/journals/jama/article-abstract/2796699>):

- States with the fewest gun safety laws had over 200% higher rates of suicide with a firearm compared to states with the highest number of gun safety laws; and
- About 6,800 lives could have been saved if all U.S. states had the highest number of gun safety laws

Finally, Petty et al. (2019) described two key elements in the American Pediatric Surgical Association's (made up of over 1300 pediatric surgeons) policy position on the prevention of youth gun violence ([Firearm Injuries and Children: Position Statement of the American Pediatric Surgical Association - PubMed](#)), which supported:

- All policy efforts to limit access to firearms by children; and
- A legal minimum purchase age of 21 for all firearms

Secondhand Sales of Firearms, the Unregulated Secondary Firearm Market, and Guns used in Crimes

Braga & Huerau (2015) noted that the unregulated secondary firearm market that includes classified ads in newspapers and gun magazines, online sales, gun shows (with both licensed and unlicensed dealers) account for 30-40% of transactions that occur in the secondary market, which is also a common source of guns used in crimes (<https://www.sciencedirect.com/science/article/pii/S0091743515001772>). They also examined traced Boston handguns used in crimes recovered by Boston Police Department (2007-2013) that were first sold at Massachusetts licensed dealers, which were matched to the state mandated secondhand gun transfer data. Several key findings were that:

- females (who are often used as a proxy to purchase firearms) were 76% less likely to be the first retail purchaser (on the Federal Firearms Licensees) compared to other states with more lenient laws (i.e., Florida);
- almost 43% of the 143 recovered handguns had more than one recorded ownership transfer after first retail sale;
- computerized data on secondhand sales of firearms had the potential to shut down illicit secondary market sources of guns for criminals. However, the state's computerized gun records were surprisingly incomplete with 63% of recovered handguns with missing transaction information in the state's Firearms Records

Bureau database, which suggests a lack of investment in documenting/regulating/enforcing state laws on secondhand sales.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

- SB44 is related to HB38 which would create a third-degree felony for those with unlawful possession or knowingly transporting a weapon conversion device.
- SB44 is related to HB83 which would legalize permit-less carrying of a firearm by adults by creating a new section of Chapter 30, Article 7 NMSA 1978 that allows the open or concealed carry of a loaded firearm for individuals 18 and older who are not prohibited from possessing or owning a firearm by federal or state law or a court order.
- SB44 is related to SB32 which would make it a fourth-degree felony to possess or knowingly transport a stolen firearm. (Each firearm possessed or transported in violation of this law would be charged as a separate offense.)
- S244 is related to SB253 which would increase the penalty for a felon found in possession of a firearm from a third to a second degree felony.
- SB244 is related to SB255 which make firearm sellers who decline or fail to perform a background check guilty of a third degree felony.

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

- Line 14 on p. 2 of SB244 requires that a person “knowingly” illegally transfer the firearm to a minor.

SB244 holds the original owner of the firearm (person #1) criminally liable for the transfer of possession of the firearm (to a third person [minor under 19] or person #2). However, SB244

does not specify what steps the individual transferring the firearm to a minor (person #1) should take to demonstrate that necessary steps were taken to minimize the likelihood that the firearm would be transferred to a minor.

One potential solution would be to add explicit language requiring documentation of a background check for any transfer of the possession of the firearm (i.e., from person #1 to person #2 who may or may not be a minor) to minimize the likelihood that the firearm is transferred to a minor.

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

Firearm Deaths for Children and by Race/Ethnicity in New Mexico

- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the US (under 19 years old). In 2021, firearms remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
 - In 2022, firearms were the leading cause of death for children (age 1-18) in New Mexico (Unpublished data, NM BVRHS)
- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in NM, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
- In NM, between 2019 and 2023, firearm deaths increased by 114% among American Indian and Alaska Natives residents, by almost 40% among Hispanics, and decreased by 11% among non-Hispanic Whites.

9. HEALTH IMPACT(S)

Firearm Deaths in New Mexico

- In 2022, the total annual cost of firearm deaths in NM was \$6.22 billion, representing an annual cost of \$2,943 annually to each NM resident ([CDC WISQARS](#)).
- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the U.S. (under 19 years old). In 2021, firearms has remained the leading cause of death for children in the U.S. ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
- In 2022, NM had the third highest age-adjusted firearm death rate among all states in the US (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the national rate (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If Senate Bill 244 (SB244) is not enacted, then it will not be a crime to unlawfully transfer a firearm to a minor.

12. AMENDMENTS

None