

LFC Requester:	Sanchez
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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: February 5, 2025, *Check all that apply:*
Bill Number: Senate Bill 253 Original Correction
 Amendment Substitute

Sponsor: Sen. Craig W. Brandt **Agency Name and Code:** _____
Short Title: Felons in Possession of Firearm **Number:** AOC 218
Person Writing: Patricia M. Galindo
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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
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with: House Bill 166

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 253 amends NMSA 1978 Section 30-7-16 as follows:

- increases the penalty for a felon found in possession of a firearm from a third-degree felony to a second-degree felony, punishable by a maximum term of nine years imprisonment.
- increases the penalty for a serious violent felon found to be in possession of a firearm from a third-degree felony to a second-degree felony, with a basic term of imprisonment of twelve years.
- precludes a person convicted under this statute from being eligible of earning meritorious deductions pursuant to Section 33-2-34 NMSA 1978.

Senate Bill 253 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

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury costs. These additional costs are not capable of quantification.

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

Section 30-7-16(B) NMSA 1978 was amended in 2020 to increase the penalty for the offense of felon in possession of a firearm from a fourth-degree felony to a third-degree felony. SB 253 seeks to again increase penalty and the basic sentence of imprisonment from three years imprisonment to a maximum term of nine years imprisonment.

SB 253 also increases the penalty for a serious violent felon that is found in possession of a firearm from a third degree felony to a second-degree felony. The penalty for a serious violent felon in violation of Section 30-7-16(C) NMSA 1978 was previously amended in 2018. The basic sentence for a second-degree felony offense is nine years imprisonment but this legislation would increase the basic sentence to twelve years imprisonment.

Finally, SB 253 would prohibit a defendant convicted under Section 30-7-16(C) NMSA 1978 from being able to earn meritorious deductions while incarcerated. Currently, meritorious deductions shall not exceed the following amounts:

- (1) for a prisoner confined for committing a serious violent offense, up to a maximum

of four days per month of time served;

(2) for a prisoner confined for committing a nonviolent offense, up to a maximum of thirty days per month of time served.

In order to earn meritorious deductions, the prisoner must be “an active participant in programs recommended for the prisoner by the classification supervisor and approved by the warden.” Without the possibility of earning meritorious deductions, the felon is not incentivized to participate in any programs while incarcerated.

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 - none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP – SB 253 conflicts with House Bill 166 as follows:

- does not include possession of a “destructive device” as being prohibited if possessed by a felon.
- does not include a “subsequent offense” under Section 30-17-16(B) as being a second degree felony.
- provides for a different term of imprisonment for a felon in possession of a firearm and for a serious violent felony found in possession of a firearm.
- eliminates the potential for a felon convicted under Section 30-17-16 NMSA 1978 from being eligible to earn meritorious deductions while incarcerated.

TECHNICAL ISSUES – none.

OTHER SUBSTANTIVE ISSUES - none identified.

ALTERNATIVES - none.

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

AMENDMENTS – none.