LFC Requester:	
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**Scott Sanchez** 

# **AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

<u>AgencyAnalysis.nmlegis.gov</u> and email to <u>billanalysis@dfa.nm.gov</u> (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:			
<b>Bill Number:</b>	SB 253	Original	Х	Correction	
		Amendment		Substitute	

		Agency Name and Code		
Sponsor:	Brandt	Number:	NM	Sentencing Commission – 354
Short	Felons in Possession of a	<b>Person Writing</b>		Keri Thiel
Title:	Firearm	Phone: <u>505-259-</u>	8763	Email kthiel@unm.edu

#### **SECTION II: FISCAL IMPACT**

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

Appropriation		Recurring	Fund		
FY25	FY26	or Nonrecurring	Affected		

(Parenthesis () indicate expenditure decreases)

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

Estimated Revenue			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)

## **SECTION III: NARRATIVE**

## BILL SUMMARY

#### Synopsis:

SB 253 amends Section 30-7-16 NMSA 1978, regards transportation or possession of a firearm or destructive device by certain persons, to increase the penalty for a felon in possession of a firearm from a third degree felony to a second degree felony, and to provide a minimum sentence of nine years imprisonment.

SB 253 further amends Section 30-7-16 to increase the penalty for a serious violent felon in possession of a firearm from a third degree felony to a second degree felony, and to increase the minimum sentence for that offense from six years imprisonment to twelve years imprisonment.

SB 253 also amends Section 30-7-16 to provide that a person convicted under that section shall not be eligible for earned meritorious deductions pursuant to Section 33-2-34 NMSA 1978.

## FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### SIGNIFICANT ISSUES

In 2021, the New Mexico Sentencing Commission engaged the services of the Robina Institute of Criminal Law and Criminal Justice at the University of Minnesota to analyze the state's Criminal Code for its strengths and weaknesses. One item of concern for the Robina Institute was that the Criminal Code has a number of special statutes that fall out of the normal penalty structure in the state. SB 253 would continue the use of a special penalty for serious violent felons in possession of a firearm through its increase of that term from six to twelve years (versus the standard basic term of three years imprisonment for a third degree felony under Section 31-18-15 NMSA 1978). The bill would also add a special penalty via its mandatory minimum term of years for felons in possession of a firearm.

SB 253 would increase the basic term of years of imprisonment for felons and serious violent felons in possession of a firearm. While it is difficult to determine what the effect of passing SB 253 would be on the state's prison population, it is likely that these changes would lead to more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state's prison system is \$155.63/day; this average includes private and public facilities.

Section 30-7-16 NMSA 1978 has been amended several times in recent years to increase the penalty for felons in possession of firearms. The Sentencing Commission is currently compiling multi-year data regarding charges and convictions pursuant to Section 30-7-16 to examine

whether there is any correlation between the increased penalties and the rate of offense. We will submit a revised FIR with the compiled data as soon as possible.

# **PERFORMANCE IMPLICATIONS**

# ADMINISTRATIVE IMPLICATIONS

# CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflicts with: HB 166, which also provides new penalties for felons and serious violent felons in possession of a firearm.

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## ALTERNATIVES

# WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

## AMENDMENTS