

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS**

**Section I: General**

**Chamber:** Senate  
**Number:** 255

**Category:** Bill  
**Type:** Introduced

**Date (of THIS analysis):** 2/4/25  
**Sponsor(s):** Michael Padilla  
**Short Title:** SALE OF FIREARMS WITHOUT BACKGROUND CHECK

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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
<b>Total</b>	\$	\$	\$	\$	N/A	N/A

**Section III: Relationship to other legislation**

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: HB39, SB244, SB253

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

## Section IV: Narrative

### 1. BILL SUMMARY

a) Senate Bill 255 (SB255) defines the crime of facilitating the unlawful sale of a firearm without a background check. This includes:

- Categorizing unlawful sale of a firearm without a background check and facilitation of unlawful sale of a firearm without a background check as “racketeering”; and
- Creation of an offense that is punishable as a third-degree felony

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](#))

### **Comparing States with versus without Background Checks: Permit-less Firearm Carry Laws**

In 2023, there were 25 states that have permit-less firearm carry laws (i.e., no background checks to carry a firearm). A study done by John Hopkins Bloomberg School of Public Health (<https://hub.jhu.edu/2022/09/21/increase-firearm-assaults-with-relaxed-conceal-carry/>) found that:

- Less restrictive concealed carry [of firearms] laws increased the rate of assaults with firearms (12.75 per 100,000) by 24% when individuals convicted of violent misdemeanors were eligible to obtain concealed-carry licenses.
- The rate of assaults with firearms increased an average of 9.5% relative to forecasted trends in the first 10 years after 34 states relaxed restrictions on civilians carrying concealed firearms in public.
  - More specifically, states that relaxed their laws without including one or more of three provisions (1. live-firearm training; 2. discretion to deny a permit if an applicant is unstable or immoral; and 3. discretion to deny a permit if an applicant has a history of violence and/or a history of other violent misdemeanor convictions) had an average increase of 10.26 gun assaults per 100,000 population annually (a 21.6% increase) and an additional 1.44 per 100,000 gun homicides (a 34.9% increase) per year compared to their forecasted trends.
  - For states that did not require live-firearm training, the average rate of gun assaults increased to 8.28 per 100,000 people (an 18.3% increase).

Zeoli et al. (2022) described background checks and licensing laws as a key component of evidence-based gun policy that enabled states to screen for high-risk individuals from purchasing guns ([Effectiveness of Firearm Restriction, Background Checks, and Licensing Laws in Reducing Gun Violence - April M. Zeoli, Alexander D. Mccourt, Jennifer K. Paruk, 2022 \(sagepub.com\)](#)).

- Lundstrom et al. (2023) examined the impact of changes in (permitless) concealed firearm carrying laws in West Virginia, which was implemented in May 2016, by comparing firearm deaths in 1999-2015 and 2016-2020 (<https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2023.307382?download=true>). Key findings were:
  - Firearm mortality increased by 29% after the law was implemented.
  - Handgun mortality increased by 48% after the law was implemented.
  
- Similarly, Siegel et al. (2017) examined the impact of more restrictive (“may issue laws”) and less restrictive (“shall issue laws”) state laws for concealed carry permits for firearms on homicide rates in all 50 states during a 25 year time period (from 1991-2015) (<https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2017.304057?download=true>). Key findings were that states with less restrictive (more permissive) laws for concealed carry permits had:
  - 6.5% higher total homicide rates
  - 8.6% higher firearm homicide rates
  - 10.6% higher handgun homicide rates
  
- Doucette et al. (2022) used data from the Gun Violence Archive (from 2014-2020) to examine the impact of relaxed concealed carry permitting laws [for firearms] on officer involved shootings. Their key finding was that:
  - States with permitless concealed carry laws (i.e., no background checks) had a 12.9% increase in officer involved shootings
  - States with more lax laws for concealed carry (permitless carry) may have higher rates of officer involved shootings since officers may: (a) be more likely to encounter citizens who carry concealed firearms; and/or (b) have higher perceived threat of danger from citizens (who are more likely to carry a firearm)

## 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

- SB255 is related to HB39 which allows for an adult's record of juvenile delinquency and use of a firearm into consideration for adult felony firearm possession and background checks.
- SB255 is related to HB39 which makes the transfer of a firearm to a minor a criminal offense punishable as felony racketeering.
- SB255 is related to SB253 which increases the penalty for a felon found in possession of a firearm from a third to a second degree felony.

#### 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

#### 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 \(nihcm.org\)](https://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 255 (SB255) is not enacted, then facilitating the unlawful sale of a firearm without a background check will not be made an offense categorized as racketeering offense punishable by third degree felony.

## **12. AMENDMENTS**

None