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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>HB31</u>	Sponsor	<u>Garratt/Baca</u>
Tracking Number	<u>.229074.1</u>	Committee Referrals	<u>HCPAC/HJC</u>
Short Title	<u>Fourth Degree Felony for Shooting Threat</u>		
Analyst	<u>Hicks</u>	Original Date	<u>1/23/2025</u>
		Last Updated	<u>2/5/2025</u>

BILL SUMMARY

Synopsis of Bill

House Bill 31 (HB31) would amend Section 30-20-16 NMSA 1978 to increase the penalty for making a shooting threat from a misdemeanor to a fourth degree felony, consistent with the current penalty of making a bomb scare.

FISCAL IMPACT

HB31 does not contain an appropriation.

LESL analysis focuses primarily on the impact of bills on kindergarten through 12th grade (K-12) education. HB31 would likely impact agencies like the New Mexico Corrections Department (NMCD), local law enforcement and other public safety entities, and the New Mexico Courts, but this analysis does not discuss these impacts.

The fiscal impact on K-12 schools is likely to be limited. Should stronger criminal penalties result in fewer shooting threats, schools may see reduced costs associated with responding to these incidents.

SUBSTANTIVE ISSUES

In the context of K-12 education, HB31 would institute additional criminal penalties for anyone who makes a shooting threat on a K-12 school in New Mexico.

Shooting Threat Definition. New Mexico's Criminal Code defines a shooting threat as intentionally communicating to another person an intent to bring a firearm to a property or use the firearm with the intent to:

1. Place a person or group of persons in fear of great bodily harm;
2. Prevent or interrupt the occupation or use of a public building; or

3. Cause a response to the threat by a law enforcement official or volunteer agency organized to deal with emergencies.

Current statute also provides courts with the authority to require an offender to reimburse those impacted for the economic harm created by the threat. This reimbursement can include overhead costs and lost wages.

Shooting Threats in New Mexico. In 2024, several schools in New Mexico received shooting threats, including schools in Albuquerque, Santa Fe, Las Cruces, Raton, Pojoaque, Rio Rancho, and Eagle Nest. In response to these incidents, Attorney General Raúl Torrez, along with K-12 education stakeholders and law enforcement officials, have [proposed](#) amending the Criminal Code to create stronger penalties for shooting threats. School shooting threats, even when no actual violence occurs, can disrupt students' learning, cause psychological distress for both students and staff, and negatively impact school climate.

Under current state statute, anyone who is found to have committed a shooting threat is charged with a misdemeanor offense. Conviction for such an offense [typically](#) results in a fixed prison sentence of no more than a year, a fine of \$1,000, or both. In contrast, committing a bomb scare constitutes a fourth degree felony.

For a fourth degree felony, New Mexico law sets the basic prison sentence at 18 months. At the court's discretion, an additional fine of up to \$5,000 may also be imposed.

ADMINISTRATIVE IMPLICATIONS

The proposed change in HB31 would likely have administrative implications for both NMCD and the New Mexico Courts. According to the Law Offices of the Public Defender (LOPD), HB31 could impact the workload of the agency, given the greater likelihood of felony cases going to trial.

According to the Administrative Office of the District Attorneys, HB31 is broad enough to include threats against schools and public places. HB31 designating a shooting threat as a felony offense would require the Children, Youth, and Families Department to forward any shooting threat case against a juvenile to the district attorney's office.

Administrative impacts for K-12 entities are likely to be limited.

OTHER SIGNIFICANT ISSUES

Prior to the 2022 legislative session, making a shooting threat was not classified as a criminal act under state law. The Legislature passed [Laws 2022, Chapter 56 \(HB 68\)](#), a package of changes to the Criminal Code that, among other provisions, made committing a shooting threat an unlawful act constituting a misdemeanor.

In both the [2023](#) and [2024](#) legislative sessions, bills were introduced to make shooting threats a fourth degree felony, but the legislation did not pass in either session.

RELATED BILLS

Related to Senate Bill 18, Crime of Swatting, which would also make the penalty for a shooting threat a fourth degree felony, while also designating “swatting” as a criminal act with the same penalty.

SOURCES OF INFORMATION

- LESC Files
- LFC Files
- Law Offices of the Public Defender (LOPD)
- Department of Homeland Security and Emergency Management (HSEM)
- Administrative Office of the Courts (AOC)
- New Mexico Sentencing Commission (NMSC)
- Administrative Office of the District Attorneys (AODA)
- New Mexico Department of Justice (NMDOJ)
- Department of Public Safety (DPS)
- Department of Health (DOH)
- Public Education Department (PED)

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