FISCAL IMPACT REPORT

		LAST UPDATED	
SPONSOR Padilla		**ORIGINAL DATE**	02/04/2025
SHORT TITLE Firearm Detection Software Fund		**BILL NUMBER**	Senate Bill 136
		ANALYST	Chilton

APPROPRIATION*
(dollars in thousands)

FY25	FY26	Recurring or Nonrecurring	Fund Affected
	$5,000.0	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Department of Public Safety (DPS)
Regional Educational Cooperatives (RECA)
Public Schools Facilities Authority (PSFA)

Agency Analysis was Solicited but Not Received From
Public Education Department (PED)
Albuquerque Public Schools (APS)
Homeland Security and Emergency Management Department (DHSEM)

SUMMARY

Synopsis of Senate Bill 136

Senate Bill 136 (SB136) appropriates $5 million from the general fund to the firearm detection software fund for the purpose of funding school security pilot projects in schools.

The funding would be used to make grants to any New Mexico school district or charter schools to develop and deploy software that detects the presence of a gun or other firearms on school property, alerting school personnel and first responders to its presence. Requirements regarding the software program are:
- Designed to detect unholstered firearms on school sites, notifying school personnel and law enforcement,
- Developed in the United States using patented or proprietary data that could not be assessed by outside parties,
- Patented in the United States and accompanied by a training database,
- Designed as a qualified anti-terrorism technology under the federal Safety Act,

- Designed to integrate with existing school security cameras, and
- Managed through the contracted firm's operations center, which must be open at all times.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

This bill creates a new fund and provides for continuing appropriations. LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds because it reduces the ability of the Legislature to establish spending priorities.

The appropriation of $5 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund. It is scored as recurring because use of the proprietary software and AI-mediated monitoring is on a subscription basis rather than a one-time purchase.

The cost of the system described in the bill starts at $600 per year per detection point. Each school would undoubtedly require more than one detection point, although the price per unit might decline with a bulk purchase.

SIGNIFICANT ISSUES

SB136 describes the software to be purchased in very precise terms, making it likely few, and possibly only one, supplier would qualify. This could create issues with the purchasing process because it appears to necessitate a violation of the Procurement Code. Specifically, from the code: "The state purchasing agent or a central purchasing office shall not circumvent this section by narrowly drafting specifications so that only one predetermined source would satisfy those specifications."

Concerns about the safety of children and school personnel in schools have been prominent at least since the Columbine School (Colorado) shooting in 1999. The National Conference of State Legislatures writes:

> School safety remains a critical concern for policymakers across the United States, driven by alarming statistics.
>
> In the 2021–22 school year, approximately 19 percent of students aged 12 to 18 reported being bullied at school. Additionally, 39 school shootings in 2024 resulted in injuries or death in K-12 schools.
>
> Over the years, state legislatures have developed a wide array of policies aimed at protecting students and staff, while ensuring that schools remain a positive learning environment. From comprehensive crisis management plans to wraparound mental health services, these legislative actions underscore the value for both preventive and responsive measures.

PSFA notes:

> Many security structures are included as part of new school building designs; however, emergency response stakeholders (e.g., law enforcement, emergency medical teams, fire response personnel, etc.) are not included in design discussions and security structures are not effectively incorporated. For example, law enforcement may need sufficient signage on separate buildings to identify incident locations, medical responders may need larger entry points for ambulances, and glass vestibules may not be an effective barrier for intruders.

PSFA notes that the Legislature has previously contributed in several ways to assuring school safety:

> In 2018, Senate Bill 239 created a school security system project grant initiative and made a recurring appropriation up to $10.0 million annually to provide matching funds in fiscal years 2019 to 2022 to improve the security of school buildings, property and occupants. Pursuant to this initiative, the PSCOC made a total of 251 school security system awards based on the applicants' ranking and their ability to meet the local match requirement between FY19 and FY20. In FY22 and FY23 two separate appropriations (SB212 and HB505) were made for school security programs out of which 178 projects were funded.

Software proposed in this bill uses artificial intelligence (AI) to detect the presence of upholstered guns caught on a school video camera, resulting in the automated and automatic notification of school personnel and law enforcement officers is another method that shows promise. One well-advertised system, ZeroEyes, states that it can detect unholstered firearms using AI and issue alerts within three to five seconds.

DPS states:

> [DPS] supports this bill because it reflects a proactive approach to public safety. Instead of waiting for violent incidents to happen, the bill equips schools with technology that helps prevent them. Given DPS's primary responsibility for ensuring the safety of citizens, particularly in emergency situations, supporting technology that helps avert violent crimes aligns with its mission.

PERFORMANCE IMPLICATIONS

PSFA points out that "The Public Education Department will need to establish rules for the procedures for a school district or charter school as it relates to the application and disbursement of funds from the grant."

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB136 relates to House Bill 295 from the 2023 session that included many of the same requirements for firearm detection software but was confined to certain New Mexico counties and had a smaller appropriation. It did not pass.

LC/hj/hg