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FISCAL IMPACT REPORT

LAST UPDATED _____
ORIGINAL DATE 02/10/2025

SPONSOR Thornton/Paul

BILL

SHORT TITLE School Teachers On-Site Protection Act BILL NUMBER Senate Bill 256

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS		\$1,449.6	\$1,402.1	\$2,851.7	Recurring	General Fund

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

Relates to Senate Bill 136.

Sources of Information

LFC Files

Agency Analysis Received From
Public Education Department (PED)
Department of Health (DOH)
Department of Public Safety (DPS)

Agency Analysis was Solicited but Not Received From
Department of Homeland Security and Emergency Management (DHSEM)
Albuquerque Public Schools (APS)
Rural Educational Cooperatives (RECA)

SUMMARY

Synopsis of Senate Bill 256

Senate Bill 256 would enact a School Teachers On-Site Protection Act as part of the Public School Code, Chapter 22 NMSA 1978. The Department of Public Safety (DPS) would be required to provide 40 hours of training to any public or private school employee who has a handgun license in use of a handgun in school settings, including use of a handgun during an emergency, discussion of legal issues regarding use of handguns and relations with peace officers, and prevention of school violence and shootings. The employee must be evaluated by a mental health provider to be certain that they are psychologically fit to deal with school shooting occasions.

Those completing the training (at their own expense, later to be reimbursed by the school) will be issued a license to carry a firearm on school property for two years, renewable after a 16-hour retraining and a demonstration that the employee has the knowledge and psychological fitness to be relicensed. The license would be revoked if the person's right to carry a concealed weapon is revoked.

Public school superintendents and charter school administrators may appoint one or more persons to carry a handgun on a school campus. The weapon must be carried or placed in a locked and secure location and may be loaded only with DPS-approved frangible duty ammunition (definition: projectiles that break into small pieces upon initial contact to minimize further damage) and must be used only when circumstances justified the use of deadly force. The person's right to carry a handgun would expire if no longer employed by the school, license to carry a concealed handgun was revoked or suspended, or the authorizing school revoked the authorization.

The identity of the person allowed to carry a gun would not be disclosable through the Inspection of Public Records Act.

Section 5 of the bill amends Section 30-7-2.1, "Unlawful Carrying of a Deadly Weapon on School Premises," adding persons licensed to carry a handgun at a school to the list of those who would be permitted to do so.

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

DPS projects the following needs, including new personnel of one curriculum developer, one compliance officer and two law enforcement instructors at an initial year's cost of \$485 thousand and on-going cost of \$439 thousand per year, as well as costs for collaboration with schools at \$250 thousand per year and training of instructors at \$500 thousand per year.

There is no appropriation in Senate Bill 256.

SIGNIFICANT ISSUES

Concern over school shootings continues to be common among parents, school personnel and the general public, even though statistics indicate a marked decrease in students carrying weapons to school (according to DOH, from 12 percent in 1993 to 3 percent in 2021). New Mexico has had a low incidence of school gun violence; in data from the New Mexico Violent Death Reporting System, from 2013-2022 only two (1.3 percent) of homicides involving a firearm occurred in a school and zero (0 percent) of suicides occurred in schools.

The New Mexico Public School Insurance Authority (NMPISA) state:

While the issue of school violence is an important issue, allowing teachers to carry firearms in schools may not be the best solution. Teachers are trained to educate, not to act as law enforcement officers, and introducing firearms into the classroom could create unnecessary risks. There is a significant chance that the presence of guns could lead to accidents, increase tensions, and make the learning environment feel less safe for both students and educators.

DPS notes:

The bill raises concerns regarding liability, training standards, and the psychological fitness of school employees to handle firearms in crisis situations. While it attempts to mitigate risks through mandatory psychological evaluations and training, questions remain about the efficacy of a 40-hour course compared to the extensive training required for law enforcement officers. Additionally, school districts must establish policies for firearm security, ensuring that weapons are properly stored when not carried.

PERFORMANCE IMPLICATIONS

DPS notes its concern that sharing information about those licensed to carry concealed handguns is subject to restrictions that may conflict with this act.

ADMINISTRATIVE IMPLICATIONS

DPS mentions the following causes of increased administrative load that would occur as a result of passage of this bill:

- The Law Enforcement Records Bureau's Concealed Carry Unit will need to modify its existing database to track individuals who are school employees and who have firearm licenses, ensuring that suspensions or revocations of concealed carry permits result in automatic revocation of school firearm licenses, and that this information is shared with the School Employee Firearm Licensing System program.
- DPS must develop and implement a structured training curriculum, administer psychological exams, and maintain records of certified school employees. This will require additional personnel and funding for licensing and tracking compliance.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to Senate Bill 136, Firearm Detection Software Fund, which proposes a different method of improving school safety.

LAC/r1/S12