

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

## FISCAL IMPACT REPORT

**SPONSOR** Sens. O'Malley and Berghmans/Reps. Romero, A., Little, and Roybal-Caballero **LAST UPDATED** \_\_\_\_\_  
**ORIGINAL DATE** 2/27/25  
**SHORT TITLE** Gas-Operated Semiauto Firearms Exclusion Act **BILL NUMBER** Senate Bill 279  
**ANALYST** Sanchez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
NMCD	No fiscal impact	At least \$28.2	At least \$28.2	At least \$56.4	Recurring	General Fund
Cost to Counties	No fiscal impact	At least \$19.2	At least \$19.2	At least \$38.4	Recurring	General Fund
<b>Total</b>	<b>No fiscal impact</b>	<b>At least \$47.4</b>	<b>At least \$47.4</b>	<b>At least \$94.8</b>	Recurring	General Fund

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

Relates to House Bills 38, 83, and 81. Relates to Senate Bills 244 and 255.

### Sources of Information

LFC Files

Agency Analysis Received From  
 Administrative Office of the Courts (AOC)  
 Administrative Office of the District Attorneys (AODA)  
 Law Offices of the Public Defender (LOPD)  
 Office of the Attorney General (NMAG)  
 New Mexico Sentencing Commission (NMSC)  
 Office of the Governor (GOV)  
 Department of Health (DOH)  
 Corrections Department (NMCD)  
 Department of Public Safety (DPS)

## SUMMARY

### Synopsis of Senate Bill 279

Senate Bill 279 (SB279), titled the Gas-Operated Semiautomatic Firearms Exclusion Act, proposes a new section within Section 30-7, NMSA 1978, to regulate the sale, transfer, and possession of certain firearms and firearm accessories in New Mexico. The bill establishes prohibitions on gas-operated semiautomatic firearms, large-capacity ammunition feeding devices, and rapid-fire devices, while also setting forth a certification process for certain exempted firearms.

The legislation defines key terms, including “gas-operated semiautomatic firearm,” “large-capacity ammunition feeding device,” and “rapid fire device.” It grants the Attorney General authority to compile and publish a list of regulated firearms. Beginning July 1, 2025, SB279 would prohibit the importation, sale, manufacture, transfer, or receipt of gas-operated semiautomatic firearms, subject to specific exceptions. Beginning January 1, 2026, possession of such firearms would be prohibited unless the owner has obtained certification in accordance with procedures established by the Attorney General. The bill outlines restrictions on the locations where certified firearms may be possessed and details conditions under which they may be transferred.

The bill provides criminal penalties for violations, including a misdemeanor for unlawful possession and a fourth-degree felony for using a regulated firearm or accessory in the commission of a felony. It also includes provisions for exemptions for government agencies, law enforcement, and certain security-related functions.

If enacted, SB279 would alter New Mexico’s firearm regulations and could impact firearm owners, law enforcement agencies, and judicial processes related to firearm offenses. The bill contains a severability clause, ensuring that if any portion is deemed invalid, the remainder would continue to be in effect.

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**

Incarceration drives costs in the criminal justice system, so any changes in the number of individuals in prison and jail and the length of time served in prison and jail that might result from this bill could have significant fiscal impacts. The creation of any new crime, increase of felony degree, or increase of sentencing penalties will likely increase the population of New Mexico’s prisons and jails, consequently increasing long-term costs to state and county general funds. In addition to the potential for new crimes to send more individuals to prison and jail, longer sentences could result in fewer releases relative to admissions, driving up overall populations. The Corrections Department (NMCD) reports the average cost to incarcerate a single inmate in FY24 was \$59.3 thousand; however, due to the high fixed costs of the state’s prison facilities and administrative overhead, LFC estimates a marginal cost (the cost per each additional inmate) of \$28.2 thousand per year across all facilities. LFC estimates a marginal cost (the cost per additional inmate) of \$19.2 per county jail inmate per year based on incarceration costs at the Metropolitan Detention Center. SB279 is anticipated to increase the number of incarcerated individuals and increase the time they spend being incarcerated.

SB279 does not contain an appropriation; however, implementation may result in fiscal impacts for multiple state agencies, including the Office of the Attorney General, the Department of Public Safety, and the Administrative Office of the Courts. The Attorney General will be responsible for compiling and maintaining a list of prohibited firearms, developing a certification system for legally possessed firearms, and ensuring compliance with the bill’s provisions, which may require additional administrative resources. Law enforcement agencies may experience increased costs related to the investigation and enforcement of new firearm restrictions, while judicial agencies may see a rise in caseloads due to prosecutions, appeals, and potential legal challenges to the law.

The requirement for firearm owners to certify eligible firearms may generate administrative costs, including processing and maintaining records. Additionally, restrictions on sales and transfers may result in economic effects on firearm dealers and manufacturers, potentially affecting tax revenues from those transactions. While the overall fiscal impact is indeterminate at this time, costs related to enforcement, prosecution, and administration should be considered when evaluating the bill's financial implications.

## **SIGNIFICANT ISSUES**

SB279 proposes new firearm regulations that may raise legal and administrative considerations. The bill directs the Attorney General to establish and maintain a list of prohibited gas-operated semiautomatic firearms, which may require coordination with federal and state agencies to ensure clarity and consistency in enforcement. Additionally, the bill includes a certification process for certain firearms lawfully possessed before the prohibition date, which requires firearm owners to submit information to either the Attorney General or a federally licensed firearms dealer. This provision may present logistical challenges related to implementation and compliance.

Legal challenges to the bill may arise under both the Second Amendment of the U.S. Constitution and Article II, Section 6 of the New Mexico Constitution, which guarantees the right to bear arms. The classification of firearms based on internal mechanisms, rather than external features, represents a departure from traditional firearm regulation approaches. Similar laws in other jurisdictions have faced legal scrutiny, and any litigation resulting from SB279 could impact the timeline for enforcement. Additionally, coordination with law enforcement agencies will be necessary to ensure consistent application of the law, particularly regarding exemptions for certain firearm types and ownership transfers.

The bill may also intersect with existing federal firearm regulations. For example, the National Firearms Act governs the registration and transfer of machine guns, and SB279's restrictions on rapid fire devices may require further clarification regarding how these provisions align with federal standards. The prohibition on large-capacity ammunition feeding devices includes exemptions for certain types of firearms, and the interpretation of these exemptions may require further guidance from regulatory agencies. As with any significant regulatory change, outreach and education efforts may be necessary to ensure that firearm owners, dealers, and law enforcement personnel understand and comply with the new requirements.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB279 relates to House Bill 38, which creates the crime of unlawful possession of a weapon conversion device that can convert a semiautomatic weapon into a fully automatic weapon; House Bill 83, which would lower the eligible age for the permit-less carrying of firearms to any person of 18 years of age; and House Bill 8, an omnibus public safety measure.

SB279 relates to Senate Bill 244, which creates the crime of unlawful transfer of a firearm to a minor, and Senate Bill 255, which adds a penalty for facilitating firearm sales without a background check.