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FISCAL IMPACT REPORT

SPONSOR: Martinez DATE TYPED: 03/13/01 HB 397/aHEC
 SHORT TITLE: Deadly Weapon on School Premises SB _____
 ANALYST: Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		Minimal			

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 446

SOURCES OF INFORMATION

- State Department of Education (SDE)
- Department of Public Safety (DPS)
- Corrections Department (CD)
- Attorney General's Office (AGO)
- Administrative Office of the District Attorneys (AODA)
- Public Defender (PD)
- Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment would except school authorized personnel from the general prohibition of carrying weapons on school premises.

Synopsis of Original Bill

This bill narrows an exception to existing law which prohibits carrying a firearm or deadly weapon on school premises. Currently, there is an exception which allows any person over nineteen (19) years of age to carry a deadly weapon on school premises if they are in their private automobile. The bill would narrow that exception to only those persons who are the parent or the guardian of a child who attends the school. It also adds a definition of the term "firearm."

FISCAL IMPLICATIONS

Corrections Department reports that the bill could result in a minimal to moderate increase in costs because it may result in a few more convictions for this offense.

It will cost the judicial information system \$400 for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions.

OTHER SUBSTANTIVE ISSUES

The DPS reports that it believes that the most substantive issue presented by passage of the proposed legislation is the exclusion of anyone other than the parent or guardian of a child currently in the school being allowed to possess a firearm in their own private means of conveyance for their own protection. Put simply, any number of people may have legitimate business visiting a school, and are entitled by current law to have a firearm in their vehicle. This statutory change would criminalize such behavior. For example, an assistant coach or any other person, perhaps even attending a high school basketball or football game who happened to have a firearm in their vehicle would now be committing a fourth degree felony. This seems problematic to enforce such a law where the individual is fully within their rights in all other areas within the State of New Mexico but not in a parking lot of a school. While it is clear that the intention is aimed at individuals who have illicit purposes while on school premises, it seems overbroad..

FAR/njw:ar