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FISCAL IMPACT REPORT

SPONSOR: Feldman DATE TYPED: 03/04/01 HB _____
 SHORT TITLE: Child Access Prevention Act SB 132
 ANALYST: Chabot

APPROPRIATION

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

Duplicates HB 240

SOURCES OF INFORMATION

LFC Files
 Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Bernalillo County Metropolitan Court
 Children, Youth and Families Department (CYFD)
 Corrections Department
 Criminal and Juvenile Justice Coordinating Council
 Department of Public Safety (DPS)
 Juvenile Parole Board
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

If a person who owns, possesses, or stores a handgun fails to safeguard the handgun and a child less than eighteen years of age gains possession of or uses the handgun to cause injury to himself or another person, the individual who failed to safeguard the handgun is guilty of a misdemeanor, a fourth-degree felony, or a third-degree felony as defined in Section 31-19-1 NMSA 1978 and Section 31-18-15 NMSA 1978.

Significant Issues

According to the National Safe Kids Campaign, an estimated 1,500 children nationwide are treated in hospital emergency rooms for unintentional firearms injuries. The bill would make the gun owner responsible for firearms not adequately safeguarded. Eleven exemptions are provided if a child:

1. Is the child of the handgun owner and inflicts a gunshot wound upon himself;

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2. Gains possession of the handgun as a result of fraudulent or unlawful activity committed by the child;
3. Intentionally or unintentionally removes a safety lock from the handgun or intentionally or unintentionally removes the handgun from a locked box or container;
4. Gains possession of the handgun as a result of fraudulent or unlawful activity committed by another person;
5. Is in attendance at a hunter's safety course or a handgun safety course;
6. Is using the handgun for target shooting at an established range authorized by the governing body of the jurisdiction in which the range is located or in an area where the discharge of a handgun without legal justification is not prohibited by law;
7. Is engaged in an organization competition involving the use of a handgun;
8. Is participating in or practicing for a performance by an organization that has been granted exemption for federal income tax by the United States commissioner of internal revenue as an organization described in Section 501 (c) (3) of the United States Internal Revenue Code of 1986, as amended;
9. Is engaged in legal hunting or trapping activities;
10. Is traveling, with an unloaded handgun in his possession, to or from an activity described in 5, 6, 7, 8, or 9 above;
11. Is on real property under the control of the child's parent, grandparent or legal guardian and the child is being supervised by his parent, grandparent or legal guardian.

No state agencies have any opposition to the bill; opposition from gun owners and sellers is anticipated.

ADMINISTRATIVE IMPLICATIONS

The Bernalillo County Metropolitan Court is concerned that their caseload could be increased by the enactment of this bill. However, they are unable to estimate the impact.

DUPLICATION

This bill duplicates HB 240.

TECHNICAL ISSUES

PDD states that page 2, lines 7-9 of the bill are vague and may be subject to arbitrary enforcement.

GAC/njw:ar