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FISCAL IMPACT REPORT

ORIGINAL DATE 2/07/07

SPONSOR Rehm LAST UPDATED _____ HB 678

SHORT TITLE Lifetime Destructive Device Ban for Felons SB _____

ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 658

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Corrections Department (CD)
 Department of Public Safety (DPS)
 Public Defender Department (PDD)
 Sentencing Commission (SC)

SUMMARY

Synopsis of Bill

House Bill 678 modifies the current Felon in Possession of a Firearm statute, NMSA 1978, Section 30-7-16, to make it a fourth degree felony if a convicted felon possesses a firearm or destructive device in his lifetime as opposed to the ten years after his conditions of confinement cease, as is currently the case.

FISCAL IMPLICATIONS

There will be a minimal administrative cost 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. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

Since the bill expands the crime from a ten year prohibition to a lifetime prohibition for some felony offenders who are those never pardoned and those who did not receive a deferred sentence, it is likely to lead to more felony convictions. However, it is unlikely to lead to more than a minimal number of new convictions. Thus, it could lead to a minimal increase in the CD's prison population and probation and parole caseloads, and an associated increase in costs to the CD.

SIGNIFICANT ISSUES

Federal law already provides for lifetime prosecutions for felons in possession of firearms, and provides much harsher penalties than does this proposed modification of state law. Every police department arrest report indicating possession of firearms is supposed to be copies to the U.S. Atty. of the district to screen for prosecutions under Operation Exile. There is a report box in every local police department for such reports to the U.S. Attorney.

The PDD notes that there are some types of weapons that would be considered destructive devices under New Mexico law such as percussion- and flint-fired muzzle loading guns that are not considered to be firearms under federal law.

DPS states that this bill could potentially help keep firearms or destructive devices out of those who in the past have had a propensity for violence, which could possibly help law enforcement in general

The AOC provided the following:

- Section 30-7-2 NMSA 1978, governing unlawful carrying of a deadly weapon, does not prevent the carrying of an unloaded firearm. HB 658 prohibits receipt, transport or possession of any firearm by a felon, loaded or unloaded.
- Section 29-19-4 NMSA 1978, governing applicant qualifications for a concealed handgun license requires that an applicant not have been convicted of a felony in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction.

ADMINISTRATIVE IMPLICATIONS

There will be a small increase in trial and appeal workload for the PDD, the courts, the DA and the Office Attorney General. This will be absorbed in the normal course of business.

RELATIONSHIP

HB 678 relates to HB 658 which will modify the same statute to make it illegal for illegal aliens to possess firearms.

DW/csd