

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

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/10/12

SPONSOR Cook LAST UPDATED _____ HB 206

SHORT TITLE Concealed Guns in State Parks SB _____

ANALYST van Moorsel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	NFI*		

(Parenthesis () Indicate Expenditure Decreases)
*See Narrative

SOURCES OF INFORMATION

LFC Files

Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)
Attorney General's Office (AGO)

No Response From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 206 creates a new section of law that would allow a person to carry a loaded concealed handgun in a state parks recreation area operated by the State Parks Division of the EMNRD if the person possesses a valid concealed handgun license for that gun.

The bill provides an effective date of July 1, 2012.

FISCAL IMPLICATIONS

While the EMNRD does not report any fiscal implications, the AGO cites the possibility of increased law enforcement costs to monitor parks for firearm violations and incidents.

SIGNIFICANT ISSUES

The EMNRD reports that the bill conflicts with a portion of current State Parks Division rule 19.5.2.20 NMAC, which states that visitors shall not possess firearms, including concealed firearms, with a cartridge in any portion of the mechanism or discharge firearms, including concealed firearms, except during designated hunting seasons or in authorized areas. The objective of State Parks Division rule 19.5.2.20 NMAC is to provide standards for visitor use of the New Mexico state parks system in a manner that promotes public health, safety, and welfare and preserves park facilities and the environment.

HB206 is similar to legislation introduced during the 2011 Legislature that would also have permitted loaded concealed handguns in state parks. In the FIR of that bill, the Department of Health is cited as reporting that "...New Mexico ranked in the top ten states for rates of firearm deaths in 2007, according to the National Vital Statistics Reports, Vol. 58, No.19, May 20, 2010. There were 868 firearm deaths in New Mexico from 2007 to 2009 making firearms one of the leading causes of injury death in the state. An average of 432 gunshot injuries was treated in New Mexico emergency rooms annually from 2004 to 2008. In New Mexico in 2009 there were 190 self-inflicted deaths by firearms and 91 firearm-related assaults."

The FIR for the 2011 bill also cites the Department of Public Safety (DPS), noting that its review clearly articulates the public policy involved in this bill. "This bill proposes to allow persons licensed to carry concealed handguns to carry them in premises and in areas that have been previously deemed by the legislature to be too high risk to allow the possession and carrying of weapons. The concerns and arguments that have made these prohibitions lawful still exist. In addition, implementation of the proposed changes could put an additional burden on commissioned officers of the DPS and law enforcement statewide as more firearms-related incidences could arise as a result of allowing firearms to be carried into more places."

ADMINISTRATIVE IMPLICATIONS

The EMNRD notes that if the bill is enacted, the State Parks Division would need to amend rule 19.5.2.20 NMAC to allow persons with a valid concealed handgun license to carry loaded concealed handguns within state parks.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The EMNRD's State Parks Division rule 19.5.2.20 NMAC would remain in effect and state park visitors would continue to be prohibited from possessing firearms, including concealed firearms, with a cartridge in any portion of the mechanism.

PvM/lj:svb