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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/15
 SPONSOR Crowder LAST UPDATED 03/17/15 HB 189/aSPAC
 SHORT TITLE Concealed Carry License Length & Refreshers SB _____
 ANALYST Cerny

REVENUE (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		(\$50.0)	(\$50.0)	(\$100.0)	Recurring	CCU Fund

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 106 and SB 118 (duplicates) and SB 268

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Offices of the District Attorneys (AODA)
 Office of the Attorney General (AGO)
 Department of Health (DOH)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of SPAC Amendment

Senate Public Affairs Committee amendment to House Bill 189 would effect major changes to the bill. It would provide for concealed handgun carry licenses, original and renewed, for five years. Currently they are valid for four years.

It would reinstate that requirement that a two-hour refresher course be completed after a person was issued an original or renewed concealed handgun carry license, two years after issuance of the license. However, the SPAC amendment seeks to provide a longer window of time for a person to take the refresher course. Current statute requires it be taken between 22-26 months after issuance of the license; the SPAC amendment would change this to 28-32 months.

This part of the amendment creates a technical problem in the bill. Page 4, line 10, requires the licensee to complete the two-hour refresher course “two years after the issuance” of the new or renewed license; the new language proposed (page 4, lines 13-14) allows for the course to be taken between 28 and 32 months after issuance, and thus conflicts with the two year

mandate since the earliest a person could take the course is four months after this time.

The bill as amended would also eliminate the requirement that anyone renewing such a license submit additional fingerprints—which DPS has said is not necessary to complete a new background check. It would enable the renewal of concealed handgun carry licenses up to 90 days prior to expiration and up to 90 days after expiration.

The fiscal impact of this bill, a projected revenue loss of \$50.0 thousand per year to DPS, would still occur as the renewal fee remains the same but licensees would only need to renew every five years instead of four.

Synopsis of Bill

House Bill 189 amends and modifies Sections 29-19-3 and 29-19-6 NMSA 1978 of the Concealed Handgun Carry Act.

HB 189 would increase the concealed handgun carry license period to five years from the date of issuance, an increase of one year over the current provisions. It would also delete the current requirement that a two-hour firearms training refresher course be completed two years after a person was issued an original or renewed concealed handgun carry license.

FISCAL IMPLICATIONS

HB 189 carries no appropriation.

There are fiscal implications if this bill is passed to the Concealed Handgun Carry fund. DPS charges a \$44 renewal fee. Extending the license period from four to five years will impact net revenue (renewal fee less FBI fees of \$14.25/application). There are approximately 61,000 CC handgun licensees in the State. It is unknown at this time how many will renew their license. However, DPS estimates that, by extending the license period from four to five years, the net revenue loss per year will be around \$50,000.

SIGNIFICANT ISSUES

HB 189 is generally less restrictive than the statute it seeks to amend. While this bill proposes to remove the refresher firearms course codified in subsection H, it does maintain subsection F(3), requiring a four-hour refresher firearms training course to be completed before renewal of the license.

If the required firearms 2-hour training refresher course is eliminated and the concealed handgun carry license period is extended to five years, it will mean that persons with concealed carry licenses could go as long for more than five years before they obtain any additional training after the initial course they completed to obtain a license. The additional training required for license renewal is a four-hour refresher class.

This provision recognized that it was important to assure that licensees remain proficient in the safe and proper use and handling of firearms, magazines, and ammunitions. This provision further recognized that these skills may be more difficult to maintain when using and carrying multiple and various handguns. The statutory refresher course incentivizes licensees to

periodically re-familiarize themselves with the safe and proper use and handling of each firearm they are licensed to conceal and carry.

For DPS, there are possible implications for the reciprocity of state agreements. Reciprocity is based on the requirements being the same as, or exceeding, the requirements of the reciprocating state. Relaxing the requirements could result in losing reciprocity with certain states should they determine New Mexico's requirements no longer meet their standards. Removing the requirement for the two hour refresher may affect the reciprocity that New Mexico's current licensees have with some states. Based upon a sampling of 12 states, the proposed changes would not affect the agreement with those particular states. However, it cannot be guaranteed that this will be the case with all other states. If the New Mexico requirements are changed, DPS will be required to provide a copy of its amended statute to each state with which a current reciprocity agreement is maintained and request a review of the requirements relative to the current agreement.

OTHER SIGNIFICANT ISSUES

Firearms are a significant cause of injuries and deaths in New Mexico. According to the Centers for Disease Control and Prevention (CDC), New Mexico had the ninth highest rate of firearm deaths in the U.S. among the 50 states and the District of Columbia in 2013.

The firearm injury death rate in NM (15.5 per 100 thousand population) was 1.5 times higher than the U.S. rate (10.4 per 100 thousand population). From 2009-2013, less than 1 percent of all firearm injury deaths in NM were accidental. The majority (69 percent) of firearm injury deaths were due to self-inflicted injury (suicide), followed by intentional injury or homicide (27 percent).

According to 2014 data compiled by the Department of Public Safety, 2.7 percent of the NM population is licensed to carry a concealed handgun. A recent paper evaluating the impact of "right to carry" (RTC) laws found strong evidence of a statistically significant effect for aggravated assaults, suggesting that RTC laws increase aggravated assaults.

According to the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program, there were 9,382 aggravated assaults in NM in 2013. The aggravated assault rate in NM (450 per 100 thousand population) was two times higher than the U.S. rate (229 per 100 thousand population).

Citations for these statistics are available in LFC files.

ADMINISTRATIVE IMPLICATIONS

There are minor administrative issues for DPS in the creation of a revised application form, identification cards and process.

CONFLICT

HB 189 shares components with SB 268 and SB 118 (also HB 106), but also conflicts with them.

Both SB 268 and HB 189 propose similar amendments to Section 29-19-3 NMSA 1978,

increasing the time during which a concealed carry license is valid from four to five years.

SB 268 and HB 189 also propose to strike subsection H that requires the two-hour refresher course from Section 29-19-6. However, SB 268 goes a step further, striking all references to “category” and “caliber” of handgun.

HB 189 and SB 118 each propose to amend Section 29-19-6 NMSA 1978. Both proposals strike subsection H from the codified legislation. However, SB 118 further proposes amending subsection F to allow for license renewal up to 90 days before expiration.

Further, SB 118 proposes to strike language from subsection G requiring a national criminal records check upon license renewal and would allow for renewal 90 days after license expiration, as opposed to 60 days as codified.

CAC/bb/je/aml