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FISCAL IMPACT REPORT

SPONSOR Fajardo ORIGINAL DATE 1/19/17
LAST UPDATED 2/02/17 HB 78
SHORT TITLE Online Concealed Carry Courses SB _____
ANALYST Rogers

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate, see fiscal implications	Indeterminate, see fiscal implications	Indeterminate, see fiscal implications	Indeterminate, see fiscal implications	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Conflicts and relates to HB 62, SJR 5.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Responses Not Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

HB 78 amends Section 29-19-6(F)(3), NMSA 1978, which outlines the requirements for concealed handgun license renewal. According the AGO, as it currently stands under the Concealed Handgun Carry Act, a licensee may renew a concealed handgun license after completing a four-hour refresher firearms training course approved by the Department of Public Safety.

HB 78 proposes to change that requirement from a four-hour refresher firearms training course to four-hours of classroom and firing range instruction. HB 78 adds that the Department of Public Safety shall provide this classroom and firing range instruction either in-person or online. HB 78 requires that the refresher firearms training course address the eight firearms topics required by Section 29-19-7, which defines firearm training course requirements.

FISCAL IMPLICATIONS

The bill would require DPS to create and maintain or otherwise approve from another source an online concealed carry refresher course and adds four-hours of classroom and firing range instruction. While DPS has not provided analysis on this bill yet, it is likely that the terms of this bill would increase DPS' operating costs.

DPS explains fiscal implications are difficult to determine as it is unclear if the bill requires DPS to provide online courses or if the bill intends for certified and licensed concealed carry instructors to take on that responsibility.

RELATIONSHIP

The AGO states HB 62 proposes an amendment to the Concealed Handgun Carry Act regarding notification of an expiring license.

SJR 5 proposes a constitutional amendment to establish the right to carry a concealed firearm without a permit by any person 18 years of age or older who is not prohibited by state or federal law from owning or carrying a firearm.

TECHNICAL ISSUES

The AGO states:

HB 78 proposes to require DPS to provide its firearm training refresher course online, while simultaneously requiring a live, in-person shooting of a handgun at a firing range.

As it stands, Section 29-19-6 (F) requires concealed handgun licensees seeking license renewal to attend a four-hour refresher course. The course must be approved by the Department of Public Safety, however, there is no statutory guidance as to what the refresher course must address or include. Section 20-19-7, however, defines what topics should be addressed in a firearms training course taken prior to the initial Concealed Handgun Carry license. Section 29-19-7 states "A firearms training course shall include classroom instruction and range instruction and an actual demonstration by the applicant of his ability to safely use a handgun." Since HB 78 proposes that the refresher course include the topics addressed in a firearms training course while also being offered online, HB 78 has an inherent conflict: a licensee seeking renewal can't complete the refresher course exclusively online, so long as there is a live shooting requirement.

ADMINISTRATIVE IMPLICATIONS

DPS will be required to amend the New Mexico Administrative Code 10.8.2.15. The current language does not provide for online refresher courses at the four year renewal point as an alternative to four hours of classroom and firing range training.

AMENDMENTS

DPS recommends that the responsibility for the development and delivery of online courses be identified clearly as that of the independent concealed carry instructors or the Department of Public Safety.