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FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/2017

SPONSOR Ivey-Soto/Sharer LAST UPDATED _____ HB _____

SHORT TITLE Firearms in the State Capitol SB 337

ANALYST Rogers

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Potentially substantial	Potentially substantial	Potentially substantial	Potentially substantial	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Office of the Attorney General (OAG)

Responses Not Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

Senate Bill 337 limits the ability to carry firearms in the state capitol to peace officers and those with valid concealed handgun licenses, and establishes a penalty for those who violate the bill. SB 337 provides that the fourth degree felony crime of unlawful discharge of a firearm on state capitol premises is not committed when the firearm is discharged in justifiable self-defense or justifiable defense of another.

SB 337 defines “state capitol premises” to mean the state capitol building, the capitol north building and the interior corridor that connects the two buildings.

FISCAL IMPLICATIONS

The bill does not define whether the provisions of the bill are to be enforced by a particular agency or if notice of the provisions are required to be posted anywhere within the building or grounds. However, in response to a similar bill introduced in the 2013 legislative session, HB

578, DPS stated that if the Legislative Council Service (LCS), the committee responsible for the security, care and maintenance of the Capitol, Capitol North, and the Capitol Grounds, enforces the bill using security checkpoints, the fiscal impact would be significant to the agency assigned the task of purchasing the necessary equipment and manning checkpoints.

The cost of the start-up equipment required to have effective security checkpoints at all public entrances was estimated in 2013 at \$400 thousand to \$500 thousand per entrance. The checkpoints would require full time security personnel to man the checkpoints. Additionally, with large amounts of people coming to the capital when particular issues are being heard, considerable back-ups at the security checkpoints would become necessary. However, if the LCS determined that enforcement in the form of security checkpoints was unnecessary, the cost to the Legislature would be minimal requiring notices to be posted in the state capitol stating that it is unlawful to carry a firearm in the state capitol.

The AOC states it may incur a fiscal impact 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.

SIGNIFICANT ISSUES

According to AOC, a similar bill was introduced in the 2013 legislative session, HB 578, which exempted the following persons from the crime of unlawful carrying in the state capitol:

- a law enforcement officer, whether on duty or off duty;
- legislative security personnel pursuant to policies adopted by the New Mexico legislative council;
- active duty members of the United States armed services or the New Mexico national guard when the carrying of a firearm is in the course of their official duties; and
- the governor and the lieutenant governor.

HB 578 also provided that the law did not apply to persons with permission from the LCS to carry firearms for display purposes as long as the firearms were not loaded and had an engaged trigger lock. HB 578 also required the LCS to post notices at the capitol that it was unlawful to carry a firearm in the state capitol.

AOC submitted analysis stating that “according to the Crime Prevention Research Center (CPRC), as of May 2016, there were 18 state capitols that officially allowed some form of legal firearm carrying for either legislators, employees, visitors or everyone. Some states, such as Florida, while permitting concealed carry at the capitol with a handgun carry permit, prohibit guns in legislative meetings. Indiana allows legislators and judges to carry with a permit. New Hampshire allows open carry of a firearm without a permit, concealed carry with a permit. In Virginia, possession of a firearm is permitted for General Assembly members, law enforcement and anyone who has a valid concealed handgun permit, and firearms can be carried open or concealed. The Virginia Senate has banned firearms from being carried in the public gallery overlooking the Senate Floor, while the House does not have that restriction.”

TECHNICAL ISSUES

AOC points out SB 337 does not define “peace officer”.

TR/al