



There is no effective date of this bill. It is assumed the effective date is 90 days following adjournment of the Legislature.

### **FISCAL IMPLICATIONS**

No fiscal implications from HB279 were noted.

### **SIGNIFICANT ISSUES**

The Riot Control Act allows the governor, on the request of a municipality or county and after finding that “a public disorder, disaster or emergency which affects life or property exists in the state,” to proclaim a state of emergency in the area affected. See Section 12-10-17 NMSA 1978. The state of emergency and any restrictions imposed by the governor’s proclamation terminate automatically after three days unless the governor terminates them sooner. See Section 12-10-19.

DOH refers to studies showing a correlation between gun ownership and gun violence. A review of the academic literature found that an array of evidence indicates that gun availability is a risk factor for homicide, both in the United States and across high-income countries.<sup>1</sup> DOH notes that New Mexico recorded 206,252 firearm background checks in 2020, which was a 31 percent increase since 2019.<sup>2</sup> Unpublished data from the NM Behavioral Risk Factor Surveillance System collected between January and June of 2019 reported that 40 percent of New Mexico residents have a gun in their home.

Given the correlation of gun ownership and gun violence and the prevalence of gun ownership in New Mexico described by DOH, the governor’s authority under the Riot Control Act to restrict the possession of firearms outside a home or business for a short period appears appropriate to control against the escalation of violence and death during a riot or similar situation of unrest. Similarly, there is no apparent reason why restrictions on business operations in DOH’s properly issued public health orders should not apply to firearm-related businesses to the same extent as other businesses when necessary to control epidemics and or otherwise protect the public health.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to HB139, HB159, SB74, SB79, SB281 and SB364, all of which seek to limit the executive’s emergency powers.

BG/al/sb

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<sup>1</sup> <https://www.researchgate.net/publication/222182383> Firearm availability and homicide A review of the literature

<sup>2</sup> [https://www.fbi.gov/file-repository/nics\\_firearm\\_checks\\_-\\_year\\_by\\_state\\_type.pdf/view](https://www.fbi.gov/file-repository/nics_firearm_checks_-_year_by_state_type.pdf/view).