

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)

*(Analysis must be uploaded as a PDF)*

### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** January 22, 2025 *Check all that apply:*  
**Bill Number:** HB 12 Original  Correction   
Amendment  Substitute

**Sponsor:** Garratt/Duhigg **Agency Name and Code**  
**Short** Extreme Risk Firearm **Number:** NM Sentencing Commission – 354  
**Title:** Protection Order Changes **Person Writing** Keri Thiel  
**Phone:** 505-259-8763 **Email** kthiel@unm.edu

### SECTION II: FISCAL IMPACT

#### **APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

#### **REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

#### **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

HB 12 amends Section 40-17-5(D) NMSA 1978, regarding petitions for an extreme risk firearm protection order, to allow a law enforcement officer to file a petition based upon credible information that the officer collected while carrying out the officer's official duties.

The bill amends Paragraph G of the same Section, listing what must be included in the petition, to specify that that paragraph is exclusive to petitions filed pursuant to the request of a reporting party.

HB 12 also amends Section 40-17-5 to add Paragraph H, requiring that petitions filed pursuant to information collected by a law enforcement officer must include the following:

1. the name and address of the respondent;
2. a description of the firearms or ammunition believed to be in the respondent's possession;
3. a description of the circumstances that gave rise to the petition; and
4. a statement explaining why the law enforcement officer believes that the respondent poses a significant danger to themself or others.

Finally, HB 12 amends Section 40-17-10 NMSA 1978, regarding the relinquishment of firearms, to require that a respondent who receives an extreme risk firearm protection order must relinquish all firearms in their possession immediately upon service of the order or as directed by the court.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

Currently, 20 other states and the District of Columbia join New Mexico in having Extreme Risk Protection Order laws (see "ERPO Laws by State" by the University of Michigan's Institute for Firearm Injury Prevention, here: <https://firearminjury.umich.edu/erpo-by-state/>). Of these, 19 other states and New Mexico allow law enforcement to petition for the protection order. However, New Mexico's current law does not allow law enforcement to petition for the order based upon their own assessment of the circumstances and risk of the respondent – instead, the law requires that a third party must request the petition from law enforcement. Only three of the 19 other states (Connecticut, New York, and Rhode Island) similarly require that a third party must request the petition from law enforcement or provide law enforcement with the facts to

support the petition.

Section 40-17-10 NMSA 1978 currently allows respondents who receive an Extreme Risk Firearm Protection Order up to 48 hours to surrender their firearms, although a court can order the firearms to be relinquished sooner. Of the 20 other states and the District of Columbia that also have Extreme Risk laws, most require immediate surrender of firearms; two (Colorado and Hawaii) allow 24 or 48 hours respectively only if the order was not personally served, Michigan allows 24 hours at the court's discretion, and Minnesota allows 24 hours in all circumstances.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

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

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**