

LFC Requestor: Self Assigned

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House Category: Bill
Number: HB0012 Type: Introduced

Date (of THIS analysis): 01/22/2025
Sponsor(s): Joy Garratt, Christine Chandler, Katy M. Duhigg
Short Title: EXTREME RISK FIREARM PROTECTION ORDER CHANGES

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 12 (HB0012) proposes to amend the extreme risk firearm protection order act to:

- allow a law enforcement officer to file a petition based on information collected while carrying out the officer's official duties
- require a respondent to relinquish firearms immediately upon service of an extreme risk firearm protection order, and
- make conforming amendments

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Firearm deaths in New Mexico

New Mexico has had one of the highest age adjusted firearm death rates in the U.S. over the past two decades.

Over the past decade (2011-2022):

- the age-adjusted firearm death rate in New Mexico increased by 84% (from 14.8 per 100,000 population in 2011 to 27.3 per 100,000 population in 2022).
- New Mexico's rank among U.S. states for firearm deaths increased from 10th highest to 3rd highest in the U.S.
- the gap in the age adjusted firearm death rate between New Mexico and the U.S. has also widened between 2011 and 2022. More specifically, in 2011, New

Mexico's age-adjusted firearm death rate was 45% higher than the U.S. In 2022, New Mexico's age-adjusted firearm death rate was 90% higher than the U.S.

More recent trends in firearm deaths in New Mexico (2019-2023) indicate that:

- The number of firearm deaths has increased by 7% from 472 (in 2019) to 505 (in 2023). However, the number of firearm deaths also peaked at 562 firearm deaths (in 2021), which is a 19% increase between 2019 and 2021.
- Suicide with a firearm has remained relatively stable between 2019 (285 deaths) and 2023 (273 deaths).
- Homicide with a firearm increased by 29% from 158 (in 2019) to 204 (in 2023). The number of homicides with a firearm also peaked at 224 firearm deaths (in 2021), which is a 42% increase between 2019 and 2021.
 - In 2022, there were a total of 550 firearm-related deaths in New Mexico that included 214 homicides, which represents 39% of all firearm deaths in New Mexico (Unpublished data, [NM BVRHS](#)).
 - In 2022, 77.0% (or 214 out of 278) of homicides involved a firearm (Unpublished data, [NM BVRHS](#)).
 - Over the past several years, firearms have become the leading cause of death for children and adolescents in America ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).
- Between 2019 and 2023, child (age 0-17) firearm injury emergency department visits have increased by 75% between 2019 (116 ED visits) & 2023 (203 ED visits) (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
- Child firearm injury emergency department visits increased by 121% for youth age 1-13 (from 28 to 62) and 60% for youth age 14-17 (from 88 to 141) between 2019 & 2023 (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
- In the past two years (Oct23-Sep24 vs. Oct22-Sep23), child firearm injury emergency department visits have:
 - Increased by 63% (from 43 to 70 ED visits) for males age 1-13
 - Decreased by 13% (from 123 to 107 ED visits) for males age 14-17
 - Decreased by 43% (from 14 to 8 ED visits) for females age 1-13
 - Decreased by 59% (from 22 to 9 ED visits) for females age 14-17 (<https://www.governor.state.nm.us/gun-violence-dashboard/>)

Extreme Risk Firearm Protection Orders

- Studies have shown that individuals who engage in dangerous behaviors such as threats and acts of physical assault are significantly more likely to escalate, becoming a danger to themselves or others in the near future ([A Triggered Nation: An Argument for Extreme Risk Protection Orders](#)).

- In Washington, as of May 2019, extreme risk protection orders proved a useful method of intervening in 51 cases where an individual expressed intention to harm themselves, 56 cases of intent to harm others, and 56 additional cases of intent to harm themselves and others. ([Extreme Risk Protection Orders in Washington](#)).
- In Oregon, Zeoli et al. found that extreme risk protection orders were overwhelmingly being used as intended – three out of every four (75%) petitions were used to prevent imminent risk of harm to self and others. Researchers also reported that with greater dissemination of public information, such as public-facing flyers, legal support, and with more paths to submit (i.e. individually, healthcare providers, advocacy assistance) the more petitions were submitted ([Use of extreme risk protection orders to reduce gun violence in Oregon](#)).
- Swanson et al. examined 4,583 extreme risk protection orders from California, Connecticut, Maryland, and Washington state filed before June 30, 2020 with the start date varied by when the state’s law took effect. The researcher’s longitudinal study concluded that such protection orders are a growing effective, and important suicide prevention tool, likely contributing to preventing 214 suicides across all four states ([Suicide Prevention Effects of Extreme Risk Protection Order Laws in Four States](#)).

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
 If yes, describe how.
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None.

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

Firearm Deaths for Children and by Race/Ethnicity in New Mexico

- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the U.S. (under 19 years old). In 2021, firearms remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in New Mexico, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
- Firearm deaths for American Indian and Alaska Natives (AI/AN) residents in New Mexico increased by 114% between 2019 (27 deaths) and 2023 (58 deaths).
- Firearm deaths for Hispanics increased by almost 40% between 2019 (206 deaths) and the peak in 2021 (288 deaths)
- Firearm deaths for non-Hispanic Whites decreased by 11% between 2019 (213 deaths) and 2023 (189 deaths)
- Between 2019 and 2023, child (age 0-17) firearm injury emergency department visits have increased by 75% between 2019 (116 ED visits) & 2023 (203 ED visits) (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
- Child firearm injury emergency department visits increased by 121% for youth age 1-13 (from 28 to 62) and 60% for youth age 14-17 (from 88 to 141) between 2019 & 2023 (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
- In the past two years (Oct23-Sep24 vs. Oct22-Sep23), child firearm injury emergency department visits have:
 - Increased by 63% (from 43 to 70 ED visits) for males age 1-13
 - Decreased by 13% (from 123 to 107 ED visits) for males age 14-17
 - Decreased by 43% (from 14 to 8 ED visits) for females age 1-13
 - Decreased by 59% (from 22 to 9 ED visits) for females age 14-17 (<https://www.governor.state.nm.us/gun-violence-dashboard/>)

Firearm Deaths (all ages) in New Mexico

- In 2022, American Indian and Alaska Natives (AI/AN) residents in New Mexico were 21% more likely (30.6 deaths per 100,000 residents, age adjusted) to be killed with a firearm compared to White residents (25.2 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, Black or African American residents in New Mexico were 5.6% more likely (26.6 deaths per 100,000 residents, age adjusted) to be killed with a firearm compared to White residents (25.2 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, Hispanic residents in New Mexico were 2.3% less likely (24.6 deaths per 100,000 residents, age adjusted) to be killed with a firearm compared to White residents (25.2 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).
- In 2022, males in New Mexico were nearly five times more likely (44.2 deaths per 100,000 residents, age adjusted) to have a firearm-involved death than females (9.0 deaths per 100,000 residents, age adjusted) (Unpublished data, [NM BVRHS](#)).

9. HEALTH IMPACT(S)

Child Firearm Deaths in New Mexico

- Firearm and firearms have become the leading cause of death for children and adolescents in America ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).
 - In 2022, firearm injury was the leading cause of death for children (age 1-17) in New Mexico (Unpublished data, New Mexico [NM BVRHS](#)).
 - In 2022, 38% of households with a firearm and a child less than 18 years old in New Mexico have a loaded firearm (nmhealth.org/publication/view/report/8463/)
 - In 2022, 15% of households with a firearm and a child less than 18 years old in New Mexico have a loaded and unlocked firearm (nmhealth.org/publication/view/report/8463/)
- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in New Mexico, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
 - Between 2018 and 2022, child (age 1-17) firearm injury emergency department visits have increased by 73% (from 90 visits in 2018 to 156 visits in 2022) (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
 - Firearm injury emergency department visits increased by 100% for youth age 1-13 (from 23 to 46) and 64% for youth age 14-17 (from 67 in 2018 to 110 in 2022) (<https://www.governor.state.nm.us/gun-violence-dashboard/>).
 - In the past two years (Oct22-Sep23 vs. Oct21-Sep22), males age 1-13 (+18%), females age 1-13 (+20%) and males age 14-17 (+25%) are at increased risk for firearm injury emergency department visits (<https://www.governor.state.nm.us/gun-violence-dashboard/>).

Firearm Deaths (all ages) in New Mexico

- In 2022, New Mexico had the third highest age-adjusted firearm death rate among all states in the United States (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the United States rate (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
- In 2022, firearm involved death would be the 10th leading cause of death in New Mexico with more deaths than nutritional deficiencies and influenza and pneumonia ([CDC Wonder - Underlying Cause of Death Form](#) – Data queried and prepared by NMDOH – ERD on 1.11.2024).
- Between 2012 and 2022, the age-adjusted firearm death rate in New Mexico increased by 75% (from 15.1 deaths per 100,000 residents in 2012 to 26.5 deaths per 100,000 residents in 2022) (Unpublished data, [NM BVRHS](#)).
- Between 2020 and 2022, the age-adjusted rate of firearm death increased by 17% (from 22.6 to 26.5 deaths per 100,000 residents) with 69 more deaths than in 2020. However, there was a 2% decrease in the rate from 2021 to 2022 (from 27.0 to 26.5 deaths per 100,000 residents) with 12 fewer deaths in 2022 (Unpublished data, [NM BVRHS](#)).

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB0012 is not enacted, the extreme risk firearm protection order act will not be amended to:

- allow a law enforcement officer to file a petition based on information collected while carrying out the officer's official duties
- require a respondent to relinquish firearms immediately upon service of an extreme risk firearm protection order, and make conforming amendments

12. AMENDMENTS

None