LFC Requester:	

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to 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 21, 2025 *Check all that apply:* **Bill Number:** HB 38 Original X Correction ___ Amendment __ Substitute __ **Agency Name** Administrative Office of the and Code District Attorneys 264 Number: **Sponsor:** Kathleen Cates Possession of Weapon **Person Writing Short** Troy Davis Conversion device Title: **Phone:** 5053858461 Email Davistr@msn.com **SECTION II: FISCAL IMPACT**

APPROPRIATION (dollars in thousands)

Appropriation		Recurring	Fund	
FY25	FY26	or Nonrecurring	Affected	

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring	Fund
FY25	FY26	FY27	or Nonrecurring	Affected

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

Makes it unlawful to possess a weapon conversion device or knowingly transporting a weapon conversion device. Make the possess a third-degree felony. "Weapon conversion device" means a part or combination of parts designed and intended to convert a semiautomatic weapon into a fully automatic weapon.

FISCAL IMPLICATIONS

Cost of enforcement and possible incarnation of individual because of HB39.

SIGNIFICANT ISSUES

Constitutional concerns: HB39 may be subject to a challenge under the Second Amendment of the U.S. Constitution. The United State Supreme Court in Garland v. Cargill 602 U.S. 406 (2024) struck down a law that banned bump stock. One of the issues raise in the case is whether or not a bump stock made a semi-automatic rifle into a machine gun or fully automatic. The United States Supreme Court stated a bump stock did not make a semi-automatic into a machine gun. Justice Thomas stated that "specifies the precise action that must 'automatically' cause a weapon to fire 'more than one shot'—a 'single function of the trigger'"; as "a shooter must also actively maintain just the right amount of forward pressure on the rifle's front grip with his nontrigger hand" when using a bump stock, this qualified as an additional function and thus did not meet the requirements for the definition of a machine gun. It could be argued that a bump stock is a "weapon conversion device" for its intent is convert a semiautomatic weapon into a fully automatic weapon although not successful converting it to a fully automatic weapon according to the United States Supreme Court.

TECHNICAL ISSUES

Definition of semiautomatic weapon could be simplified by deleting some of the language.