

**LFC Requester:**

Scott Sanchez

**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:** 21 JAN 2025

Check all that apply:

**Bill Number:** HB 38Original  Correction Amendment  Substitute **Sponsor:** Kathleen Cates**Short Title:** Unlawful Possession of  
Weapon Conversion Device**Agency Name****and Code**790 – Department of Public Safety**Number:****Person Writing** Dale R. Wagoner**Phone:** 505-629-2803 **Email:** dale.wagoner@dps.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(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>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: 2023 HB 101  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Creates the crime of unlawful possession of a weapon conversion device, which carries a penalty of a third-degree felony (three years imprisonment and up to a \$5,000 fine).

#### **FISCAL IMPLICATIONS**

None.

#### **SIGNIFICANT ISSUES**

None.

#### **PERFORMANCE IMPLICATIONS**

The Department of Public Safety (DPS) supports this bill due to the growing prevalence of weapon conversion devices, which pose a significant threat to public safety. These devices enable firearms to fire at an uncontrolled, rapid rate, creating the potential for severe harm to both communities and first responders. According to John Hopkins Public Health, in 2022, New Mexico reported 218 gun-related homicides total and had the third-highest gun death rate in the nation.

Although weapon conversion devices are illegal under federal law (18 U.S.C. 922(o)), New Mexico currently lacks a state statute to address them. This gap means that if federal authorities choose not to prosecute cases involving these devices, offenders face no criminal consequences. This bill would close that loophole by ensuring state-level accountability, providing law enforcement with an essential tool to combat violent crime.

Weapon conversion devices undermine firearm regulations by modifying firearms into fully automatic weapons, drastically increasing their fire rate and lethality. Their use elevates the risk of collateral damage and unintended casualties, endangering bystanders and law enforcement alike. Additionally, the availability of these devices contributes to gun violence and criminal activity, highlighting the urgent need for stricter regulation and enforcement.

The creation of a state crime for unlawful possession of a weapon conversion device is a necessary step in safeguarding public safety. These devices enable the transformation of semiautomatic firearms into fully automatic ones, undermining gun control measures designed to limit the accessibility of military-grade weaponry. By criminalizing their possession and imposing penalties, such as a third-degree felony charge, this legislation reinforces the seriousness of tampering with firearms. It also acts as a deterrent, reducing the likelihood of illegal modifications and promoting safer communities.

This bill is essential for maintaining strict controls over fully automatic firearms and ensuring accountability for those who attempt to circumvent gun safety laws.

**ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

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

Status Quo will remain.

**AMENDMENTS**

None.