

LFC Requester:	
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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 20, 2025 *Check all that apply:*
Bill Number: HB 39 Original Correction
 Amendment Substitute

Sponsor: Kathleen Cates **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Juvenile/Adult firearm changes **Person Writing:** Donald Gallegos
Title: _____ **Phone:** 5757703120 **Email:** dgallegos@questalaw.

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
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:

HB 39 amends §30-7-16, NMSA 1978 as follows:

1. Prohibits the possession of a firearm or destructive device by an adult who is subject to a juvenile disposition for a delinquent act involving the use of a firearm that would be a felony if committed by an adult. Page 2, lines 12-16
2. Subjects the adult described in paragraph 1 herein to third-degree penalties (up to 3 years in prison and a \$5000 fine). Page 2, lines 17-21.
3. Adds the definition of “adult subject to a juvenile disposition for a delinquent act involving use of a firearm.” Page 3, lines 9-13.
4. Sets a time limit for when this provision can be used. Page 3, lines 14-15.
5. Adds a provision that the person described in the bill cannot be prosecuted if they have been pardoned for the juvenile disposition involving the use of a firearm. Page 7, line 16-18.

HB 39 amends §32A-2-26, NMSA 1978 as follows:

1. Records shall be made available to federal authorities for firearm background checks. Also, to state and local law enforcement for purposes of determining whether a person may receive, transport or possess a firearm or destructive device. Page 9, lines 8-16.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

None

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

SIGNIFICANT ISSUES

A person cannot be prosecuted under this section if the delinquent act occurred 10 or more years earlier. Therefore, if a person is in possession of a firearm or destructive device, and more than 10 years have passed since the delinquency adjudication, the person cannot be charged and prosecuted for violating this section. This applies also if a person has been pardoned for a juvenile disposition. Page 3, lines 14-18.

Other than more cases for DA’s to prosecute, and thus more work for the Juvenile Probation Office,

Courts and public defenders, no significant impacts.

The amendments will address those cases where an adult possesses a firearm or destructive device after they have been adjudicated for a firearm related cases as a juvenile, subject to the time limit and pardon restrictions discussed above. The amendments may also provide a deterrent to a person who wants to possess a firearm or destructive device as the penalties for a third-degree felony can be pretty severe.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS