



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 Section 30-7-16 NMSA 1978, regarding possession of firearms by certain persons, to add “an adult subject to a juvenile disposition for a delinquent act involving use of a firearm under the Delinquency Act that would be a felony if committed by an adult, regardless of whether the judgment resulted in an adult sentence” to the list of individuals barred from receiving, transporting, or possessing a firearm or destructive device in the state.

The bill further amends Section 30-7-16 to define an “adult subject to a juvenile disposition for a delinquent act involving use of a firearm” as a “person eighteen years of age or older subject to juvenile disposition for a delinquent act involving use of a firearm under the Delinquency Act” and to provide exceptions if it has been ten years or longer since the juvenile disposition or if the individual has been pardoned.

HB 39 also amends Section 32A-2-26 NMSA 1978, regarding the sealing of records, to provide that records of juvenile dispositions meeting the criteria provided by HB 39 shall be available to federal authorities (for federal instant background checks) and to state and local law enforcement (to determine if the person may possess a firearm).

#### **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**

A recent longitudinal study of arrests and convictions for youth who committed gun-involved offenses as juveniles found that gun violence occurred nine times more often among those with a serious juvenile crime record than in the general population. (See Jeffrey W. Swanson et al., “Gun Violence Among Young Adults with a Juvenile Crime Record in North Carolina: Implications for Firearm Restrictions Based on Age and Risk,” *Preventive Medicine* 165 (2022), available here: <https://www.sciencedirect.com/science/article/abs/pii/S0091743522003280> (“Among those with a felony-equivalent juvenile delinquency adjudication who became legally eligible to possess firearms at age 18, 61.8% were later arrested for any criminal offense, 14.3% for a firearm-involved offense.... Crimes with guns were most likely to occur among young adults who had committed more serious (felony or equivalent) offenses before age 18; had been adjudicated at younger ages; acquired a felony conviction as a youth; and spent time in prison.”)).

Twenty-nine states and the federal government currently have laws restricting access to firearms based upon juvenile records. (See “Firearm Prohibitions; Summary of State Laws” published by

Giffords Law Center to Prevent Gun Violence, available here: <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/firearm-prohibitions/> and “Gun Control: Juvenile Record Checks for 18- to 21-Year-Olds” published by the Congressional Research Service, February 5, 2024, available here: <https://crsreports.congress.gov/product/pdf/IF/IF12154>).

In New Mexico, there have been a total of 219 juvenile cases for delinquent acts involving firearms since July 1, 2022. Of these, 119 have been adjudicated and resulted in a disposition that would disqualify an individual from possessing a firearm under HB 39.

## **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**