

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: House
Number: 39

Category: Bill
Type: Introduced

Date (of THIS analysis): 1/22/2025
Sponsor(s): Kathleen Cates
Short Title: Juvenile Record in Firearm Background Checks

Reviewing Agency: Agency 665 – Department of Health
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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	NA	NA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	NA	NA

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	NA	NA

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

HB39 (HB0039) amends Section 30-7-16 NMSA 1978 and Section 32A-2-26 NMSA 1978 to allow for:

- Access to juvenile delinquency records for firearm background checks by local, state, or federal law enforcement agencies
- The prohibition of adults subject to a juvenile disposition involving the use of a firearm [regardless of whether the judgement resulted in an adult sentence] from receiving, transporting, or possessing a firearm or destructive device
 - Adults found in possession of a firearm would be guilty of a 3rd degree felony
 - Two exceptions for this law are: (1) after 10 years have passed [from the juvenile disposition involving a firearm]; or (2) if the person was pardoned for the juvenile disposition involving a firearm

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Firearm Deaths in New Mexico

- Between 2011 and 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).
 - In 2011, New Mexico's firearm death rate was 45% higher than the national average, but by 2022, it was 90% higher than the U.S. average ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
- Between 2019 and 2023, firearm deaths in New Mexico increased by 7%, rising from 472 in 2019 to 505 in 2023. The number of deaths peaked at 562 in 2021, representing a 19% increase from 2019 to 2021.
- Suicide involving firearms remained relatively stable during this period (Unpublished data, [NM BVRHS](#)). However, homicides involving firearms rose by 29%, increasing from 158 in 2019 to 204 in 2023.
 - Firearm homicides also peaked at 224 in 2021, a 42% increase compared to 2019 (Unpublished data, [NM BVRHS](#)).

Juvenile (felony-equivalent) delinquency & gun related crime in adulthood

Little research has examined the linkages between juvenile offending with firearms and gun violence during adulthood. However, Swanson et al. (2022) conducted a broader study that examined the link between a “gun disqualifying” juvenile record (i.e. adjudication for serious delinquency equivalent to a felony for an adult) on gun violence for 51,059 young adults in North Carolina ([Gun violence among young adults with a juvenile crime record in North Carolina: Implications for firearm restrictions based on age and risk - PubMed](#)). Their key findings were that youth with felony-equivalent juvenile delinquency adjudication were 9x more likely to be arrested for comparable offenses by youth in the general population. Other key findings included that:

- 62% of youth with felony-equivalent delinquency who later became eligible to possess a firearm at 18 were arrested for any criminal offense
- 14% of youth with felony-equivalent delinquency who later became eligible to possess a firearm at 18 were arrested for a firearm-related offense
- Young adults who committed crimes involving firearms were most likely to have a serious (felony-equivalent) offense before age 18

A related study by Magee et al. (2020) examined patterns of gun carrying and firearm related crimes for justice involved youth in Indianapolis Indiana over a 10 year time period (January 2006 – December 2016) ([Patterns of adolescent gun carrying and gun-related crime arrests in Indianapolis, Indiana over an 11-year time period - PubMed](#)). Their sample included all youth arrested for: (a) a gun carrying offense (i.e., illegal possession of a firearm, n=711); or (b) a gun-related crime (i.e., homicide, robbery, aggravated assault, n=150). Their objective was to determine if rates of juvenile gun carrying and juvenile gun-related crime have changed over the 10 year time period. Their key findings were that:

- The rate of juvenile arrests for both gun carrying and gun related offenses increased significantly over the 10 year time period (an over 10x increase for both gun carrying & gun related offenses); and
- The majority of gun-related repeat offenders were first arrested for gun carrying. So juvenile gun carrying arrests may be an opportunity to intervene to prevent future gun violence

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

DISPARITIES IN SEX

- Firearm deaths for females peaked in 2022, which is a 23% increase for females between 2019 (73 deaths) and 2022 (93 deaths).
- Firearm deaths for males peaked in 2021, which is a 21% increase between 2019 (399 deaths) and 2021 (483 deaths).
- In 2021, males (483 deaths) were 610% more likely to have a firearm death compared to females (79 deaths).
(Unpublished data, [NM BVRHS](#))

DISPARITIES IN RACE AND ETHNICITY

- Firearm deaths for American Indian or Alaska Natives (AIAN) increased by 114% between 2019 (27 deaths) and the peak in 2022 (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) (Unpublished data, [NM BVRHS](#)).

9. HEALTH IMPACT(S)

Firearm Violence in New Mexico

- New Mexico has experienced a significant rise in firearm-related deaths over the past decade, with rates among the highest in the United States. New Mexico's ranking for firearm death rates increased from 10th highest in 2011 to 3rd highest in 2022 (Unpublished data, [BVRHS](#)).
- Between 2011 and 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). In 2011, New Mexico's firearm death rate was 45% higher than the national average, but by 2022, it was 90% higher than the U.S. average ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).
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10. ALTERNATIVES

None

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

If House Bill 39 (HB0039) is not enacted, then juvenile records will not be able to be unsealed in firearm background checks.

12. AMENDMENTS

None