

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

SECTION I: GENERAL INFORMATION

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2025-01-16
Bill No: HB39

Sponsor(s) Kathleen Cates
:

Agency Name CYFD 69000
and Code
Number:
Person Writing
Analysis:
Phone:

Short JUVENILE RECORD IN
Title: FIREARM BACKGROUND
CHECKS

Email:

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

JUVENILE RECORD IN FIREARM BACKGROUND CHECKS

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Social-environmental determinants of violent behavior in young adults include traumatic childhood experiences, poverty, family conflict, exposure to community violence, and deviant peer influences, which can interact with developmental vulnerabilities such as psychiatric conditions, depression, or substance misuse. Youth with juvenile crime records are at heightened risk of perpetrating gun violence as adults, particularly when prior arrests, incarceration, and access to firearms are present. Current CYFD Juvenile Justice data reflects in FY23 there were 168 firearm related referrals for offences. FY24 data shows 249 firearm related referrals for offences. Thus far in FY25 (6 months) there have been 173 firearm related referrals for offences. This bill aims to balance public safety with the confidentiality of juvenile records, ensuring that individuals with histories of firearm-related offenses are identified and prohibited from acquiring or possessing firearms.

PERFORMANCE IMPLICATIONS

Agencies designated to conduct this specific type of background check must have the ability to securely and efficiently access sealed juvenile records. Training and oversight mechanisms should be established to prevent misuse of sensitive juvenile data.

ADMINISTRATIVE IMPLICATIONS

Although sealed records are primarily housed in the judiciary, this potentially may require CYFD to take on additional responsibilities related to record management, interagency collaboration, and oversight. A framework would be needed to allow limited access to sealed records. While the bill seeks to enhance public safety, careful planning and allocation of resources will be necessary to manage the administrative impact effectively while ensuring compliance with privacy and confidentiality protections.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

CYFD strongly supports this legislation as a critical step in safeguarding public safety while preserving the core principles of juvenile rehabilitation. By allowing limited access to sealed juvenile delinquency records for the purpose of firearm background checks, the bill achieves a necessary balance between the confidentiality of juvenile records and the protection of our communities. CYFD emphasizes that while the judiciary primarily houses sealed records, the Departments' existing statutory authority ensures that certain records are already maintained with strict confidentiality. Adults with juvenile dispositions involving the use of a firearm will be prohibited from receiving, transporting, or possessing firearms or destructive devices. This restriction aligns with public safety goals while recognizing the need for tailored measures for juveniles' transition to adulthood. By supporting this bill, CYFD reaffirms its commitment to fostering safer communities while upholding its mission to promote positive outcomes for children and families.

AMENDMENTS

None.