

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

*Check all that apply:*

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

**Date** Jan. 21, 2025  
**Bill No:** HB 83-280

**Sponsor:** John Block and Stefani Lord  
**Short Title:** Permitless Carry of Firearms

**Agency Name and Code**    Law Offices of the Public  
**Number:**    Defender- 280  
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**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 Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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:

The bill would explicitly permit any person over 18 years of age to carry a firearm, either concealed or openly, as long as they are “not prohibited by federal or state law or a court order from possessing or carrying a firearm.” The firearm could be loaded or unloaded.

The bill also amends several existing statutes regarding “deadly weapons,” most notably it excludes firearms from the definition of carrying a deadly weapon, found in section 30-7-2 NMSA 1978, meaning that the statute unlawful carry of a deadly weapon would not apply to firearms, while maintaining the prohibition against carrying other deadly weapons such as brass knuckles and switchblades. It would also permit the carrying of firearms on a bus. Finally, the bill would repeal Sections 30-7-2.2 through 30-7-3 NMSA1978, which prohibit carrying firearms at various locations (such as schools and liquor stores).

**FISCAL IMPLICATIONS**

Primarily this bill provides for certain defenses not currently available. It may be hard to quantify any increased amount of litigative work by criminal defense attorneys presenting defenses consistent with these changes, as discussed below under “significant issues.”

**SIGNIFICANT ISSUES**

This bill could impede law enforcement investigations into potential public safety threats. Because carrying visible firearms (or concealed firearms without a license) is unlawful, police can generally stop and investigate anyone publicly carrying a firearm. Under HB 83, such conduct would be presumptively legal, so police might run into legal challenges for investigating armed people’s felon status, or otherwise investigating public firearm possession since they must have a basis for suspecting *criminal* activity in order to detain and investigate them. If enacted, this bill could lead to increased defense claims of illegal search and seizure, resulting in motions to suppress evidence acquired during an inquiry regarding public firearm possession. *See* U.S. Const. amend. IV; N.M. Const. art. II, § 13 (search and seizure protections).

In theory, legalizing this conduct should mean that the police would simply allow it. However, experience has shown that the police are proactive in investigating gun carriage (for both public and officer safety concern). For example, if someone walks onto a college campus

with a rifle, police will probably be highly motivated to stop that person and investigate, even though the conduct may not be 'per se' illegal. It should be noted that even legal conduct "can" justify police intervention – but this bill will likely lead to constitutional litigation in more cases.

**PERFORMANCE IMPLICATIONS**

None.

**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. New Mexico laws pertaining to carrying firearms will remain unchanged.

**AMENDMENTS**

None.