

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/21/2025

Check all that apply:

Bill Number: HB83

Original Correction
Amendment Substitute

Sponsor: Rep. Stefani Lord
& Rep. John Block

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: Permitless Carry of Firearms

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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 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

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

HB83 would add a new section to Chapter 30, Article 7 NMSA 1978 that allows any person in New Mexico over the age of 18 years to carry a loaded firearm on his or her person, either concealed or openly, unless that person is prohibited from possessing or carrying a firearm under federal or state law, or by court order.

The Concealed Handgun Carry Act, NMSA 1978, Sections 29-19-1 to -15 (2003, as amended), states that a person may lawfully carry a concealed, loaded firearm on his or her person in a public place only if he or she has been issued a concealed carry license by the New Mexico Department of Public Safety (“NMDPS”). The Act states that the NMDPS “shall issue a concealed handgun license to any person who:

- is a citizen of the United States;
- is a resident of New Mexico or is a member of the armed forces whose permanent duty station is located in New Mexico or is a dependent of such a member;
- is twenty-one years of age or older;
- is not a fugitive from justice;
- has not been convicted of a felony in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction;
- is not currently under indictment for a felony criminal offense in New Mexico or any other state or pursuant to the law of the United States or any other jurisdiction;
- is not otherwise prohibited by federal law or the law of any other jurisdiction from purchasing a firearm;
- has not been adjudicated mentally incompetent or committed to a mental institution;
- is not addicted to alcohol or controlled substances; and
- has satisfactorily completed a firearms training safety course approved by the [NMDPS] for the category and the largest caliber of handgun that the applicant wants to be licensed to carry as a concealed handgun.

§ 29-19-4(A)(1)-(10).

As written, HB83 would remove many of these requirements.

The Concealed Handgun Carry Act requires NMDPS to deny a concealed handgun license to an applicant who has:

- received a conditional discharge, a diversion or a deferment, or has been convicted of, pled guilty to or entered a plea of nolo contendere to a misdemeanor offense involving a crime of violence within ten years immediately preceding the application;
- been convicted of a misdemeanor offense involving driving while under the influence of intoxicating liquor or drugs within five years immediately preceding the application for a concealed handgun license;
- been convicted of a misdemeanor offense involving the possession or abuse of a controlled substance within ten years immediately preceding the application; or
- been convicted of a misdemeanor offense involving assault, battery or battery against a household member.

Section 29-19-4(B)(1)-(4).

In effect, the language of HB83 would permit more people to carry concealed, loaded firearms in New Mexico because it: (1) lowers the minimum age for doing so from age 21 to age 18; (2) allows non-United States citizens to do so; (3) dispenses with firearm safety training requirement; (4) allows persons who have been adjudicated mentally ill to carry concealed, loaded firearms, and (5) allows those under indictment for felony criminal offenses in New Mexico or other jurisdictions to carry concealed, loaded firearms. All of these individuals are prohibited from carrying under current law.

HB83 would also amend Section 30-7-1 and 30-7-2 NMSA 1978, which identify firearms as deadly weapons and prohibit the unlawful carrying of such weapons. Carrying a concealed, loaded firearm without satisfying one of Section 30-7-2's current exceptions would therefore no longer be a criminal offense in New Mexico. Similarly, HB 83 would amend Section 30-7-13 NMSA 1978, which prohibits the unauthorized carrying of firearms and other deadly weapons on buses by removing firearms from the class of prohibited weapons.

HB83 would also repeal the following sections of Chapter 30, Article 7 NMSA 1978:

- Section 30-7-2.2, which prohibits the knowing possession or transporting of a handgun, absent certain exceptions, as a misdemeanor offense.
- Section 30-7-2.3, which provides that a handgun is subject to seizure and forfeiture by a law enforcement agency when the handgun is possessed or transported by a person in violation of the offense of unlawful possession of a handgun by a person.
- Section 30-7-2.4, which prohibits the unlawful carry of a firearm on university premises, subject to certain exceptions. Carrying a concealed, loaded firearm on a university premises, with or without a valid concealed carry permit, would therefore no longer be a criminal offense in New Mexico.
- Section 30-7-3, which prohibits carrying a loaded or unloaded firearm on any premises licensed by the regulation and licensing department for the dispensing of alcoholic beverages, subject to certain exceptions including law enforcement and a valid concealed carry permit holder. Carrying a concealed, loaded firearm in a licensed liquor establishment such as a bar or brewery, without a valid concealed carry permit, would therefore no longer be a criminal offense in New Mexico

FISCAL IMPLICATIONS

N/A

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

SIGNIFICANT ISSUES

Section 30-7-2(A)(5) of HB83 provides that a person in possession of a valid concealed handgun license may carry a deadly weapon, which seems to conflict with the intent of HB83. With respect to HB83, the role of a concealed handgun license is unclear.

It is unclear how HB83 reconciles with §30-7-1, CARRYING A DEADLY WEAPON, since HB83 excludes firearms from the definition of deadly weapon. HB83 does not account for “firearm” being among the items defined as a deadly weapon, enumerated in §30-1-12(B).

PERFORMANCE IMPLICATIONS

None to this office.

ADMINISTRATIVE IMPLICATIONS

None to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB164, which was introduced in the first session of the 2023 Legislature and HB78, which was introduced in the second session of the 2024 Legislature, address the permitless carry of firearms and contain language similar or identical to that of HB83.

If SB83 is adopted and the Concealed Handgun Carry Act remains in effect, they will likely conflict with one another.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS