

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared: <u>21 JAN 2025</u>	<i>Check all that apply:</i>
Bill Number: <u>HB 83</u>	
	Origin <input checked="" type="checkbox"/> al
	Amend <input type="checkbox"/> ment
	Correct <input type="checkbox"/> ion
	Substit <input type="checkbox"/> ute

Sponsor: <u>John Block, Stefani Lord</u>	Agency Name and Code Number: <u>790 – Department of Public Safety</u>
Short Title: <u>Permitless Carry of Firearms</u>	Person Writing Analysis: <u>Dale R. Wagoner</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
(\$0.0-\$847.8)	(\$0.0-\$847.8)	(\$0.0-\$847.8)	<u>RECURRING</u>	OSF - Conceal Carry Fund

(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	<u>(\$0.0-\$847.8)</u>	(\$0.0-\$847.8)	(\$0.0-\$847.8)	(\$0-\$1,695.6)	Recurring	OSF- Concealed Carry Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act 2024 HB78 and 2023 HB164

SECTION III: NARRATIVE

BILL SUMMARY

HB 83 amends the Criminal Code to decriminalize carrying of a concealed loaded firearm. It also adds a new section affirmatively stating that a person aged 18 or older may carry an open or concealed loaded firearm on their person, unless the person is prohibited by federal or state law or court order from possessing or carrying a firearm.

The bill preserves the crimes of unlawful carrying of a deadly weapon on premises of a university (petty misdemeanor) or school (fourth-degree felony).

It also repeals the misdemeanor crime of unlawful possession of a handgun (Sec. 30-7-2.2); authorization for law enforcement to seize an illegally possessed handgun (Sec. 30-7-2.3); and the fourth-degree felony of unlawful carrying of a firearm in licensed liquor establishments (Sec. 30-7-3).

FISCAL IMPLICATIONS

HB 83 is expected to reduce revenue generated from concealed carry permit fees, which fund the New Mexico Department of Public Safety’s (DPS) administrative processes, including background checks and permit issuance. In FY 2023, DPS processed 11,177 applications that generated \$635,400 in fees, increasing to \$746,600 in FY 2024 for 9,408 applications, and have processed 6,470 applications in the first two quarters of FY25 with a total projected revenue of \$847,800, covering five full-time employee salaries and operating costs totaling \$798,100 annually. While some residents may continue to purchase or renew licenses for compliance with other states' laws, the overall revenue decline is uncertain and could negatively affect DPS's fiscal stability. Savings from decreased administrative burdens may offset some losses, but additional costs for public education and law enforcement training to implement the new framework could arise.

The long-term fiscal impact depends on changes in concealed carry licensing and associated fees, potentially creating a minimal to substantial negative effect on DPS revenues. If revenues decrease significantly, DPS may need to reassign affected Concealed Carry Unit (CCU) employees to other positions within the Law Enforcement Records Bureau. Furthermore, any state budget absorption of costs for education or enforcement should consider data from similar states like Arizona and Texas, where mixed fiscal impacts include decreased permit revenue offset by increased public safety spending. This highlights the need for a comprehensive analysis of fiscal adjustments and resource allocation to mitigate potential disruptions.

SIGNIFICANT ISSUES

HB 83 removes critical safeguards such as mandatory training and background checks that are currently required for permit holders, and it increases risks by allowing individuals, including those with concerning criminal histories, to carry concealed weapons without oversight. This shift raises concerns about public safety and law enforcement, as the Department of Public Safety warns of heightened risks during interactions with armed individuals.

Although federal law (18 U.S.C. §922) prohibits firearm possession by felons, domestic violence offenders, and those adjudicated mentally ill, enforcement without state-level permit checks becomes more reliant on direct law enforcement encounters, weakening preventative measures. Additionally, the bill repeals sections of the Concealed Handgun Carry Act but leaves the state's concealed carry program intact for reciprocity with other states, likely causing a sharp decline in license applications.

By decriminalizing firearm possession on college campuses, bars, and liquor establishments, HB 83 also raises the likelihood of increased firearm-related incidents in these settings. The bill grants individuals, including certain convicted criminals, the right to carry concealed firearms—a right previously restricted to protect public safety—thereby diminishing critical safeguards essential for balancing constitutional rights with community security.

This bill repeals NMSA 1978 sections 30-7-2.2 through 30-7-3 but does not mention a repeal of Chapter 29 Article 19 NMSA 1978, the Concealed Carry Act. Section 29-19-4 of the Concealed Carry Act requires the Department of Public Safety to issue a concealed carry license if the applicant: (1) is a citizen of the United States; (2) 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; (3) is twenty-one years of age or older; (4) is not a fugitive from justice; (5) 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; (6) is not currently under indictment for a felony criminal offense in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction; (7) is not otherwise prohibited by federal law or the law of any other jurisdiction from purchasing or possessing a firearm; (8) has not been adjudicated mentally incompetent or committed to a mental institution; (9) is not addicted to alcohol or controlled substances; and (10) has satisfactorily completed a firearms training course approved by the department for the category and the largest caliber of handgun that the applicant wants to be licensed to carry as a concealed handgun.

The Concealed Handgun Carry Act also requires DPS to deny a concealed carry license if an applicant has: (1) 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; (2) 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; (3) been convicted of a misdemeanor offense involving the possession or abuse of a controlled substance within ten years immediately preceding the application; or (4) been convicted of a misdemeanor offense involving assault, battery or battery against a household member.

The State of New Mexico would continue to have a concealed carry program for individuals who need a license for reciprocity purposes with other states. However, the number of individuals applying for concealed carry licenses would severely decline.

This bill would decriminalize the carrying of firearms at New Mexico colleges and universities; and the carrying of firearms in bars and other liquor establishments. Allowing guns in bars is likely to result in some additional violent gun crime.

DPS deals with numerous individuals with prior criminal history who are allowed to purchase a firearm but, because of their criminal history, are still prohibited from having a concealed carry permit. This bill would grant the right to carry a concealed firearm to all those individuals. This causes DPS to be concerned about an increased danger to officers in their interactions with the public. This law would allow several categories of convicted criminals who currently cannot legally carry a concealed weapon to be able to do so. Those individuals can currently exercise their rights by lawfully possessing and openly carrying a firearm in most cases, but not a concealed one. The possibility of giving convicted criminals the right to conceal their weapons from law enforcement seems likely to increase the danger to officers and deputies.

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 will remain.

AMENDMENTS

None.

