| LFC Requester: | |
|---|---|

**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** X

**Correction** ___ **Substitute** ___

**Date** 1/23/25

**Bill No**: HB 101-280

**Sponsor:** Andrea Reeb

**Short Title:** Firearm at Polling Place for Law Enforcement

**Agency Name and Code Number**: LOPD-280

**Person Writing** Bianca Ybarra

**Phone:** (505) 395-2890    **Email** bianca.ybarra@lopdnm.us

## 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)

|  | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|---|---|---|---|---|---|---|
| Total |  |  |  |  |  |  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Non known.
Duplicates/Relates to Appropriation in the General Appropriation Act: None known.

## SECTION III: NARRATIVE

## BILL SUMMARY

Synopsis:

HB 101 proposes to amend NMSA 1978, § 1-20-24(B) add exceptions to the petty misdemeanor crime of "Unlawful Possession of a Firearm at a Polling Place." This bill would extend existing exceptions for "certified" law enforcement officers to "commissioned law enforcement officers" with arrest authority to possess a firearm at a polling location.

## FISCAL IMPLICATIONS

This crime is a petty misdemeanor. Analyst conferred with the Sentencing Commission who could not identify a single case in which this crime has ever been charged, but their data only exists for charges filed prior to September 2024. It is unclear whether this crime has been charged in the last four months, but it does not appear that LOPD has ever been appointed to represent a defendant accused of this crime. It is less clear whether charges were ever brought against a defendant that would fall into these new exceptions. Either way, LOPD's workload is unlikely to be impacted by these changes.

## SIGNIFICANT ISSUES

As drafted currently, the 1-20-24(B) NMSA already possess two exceptions for certified law enforcement officers acting within their official duties and officers who are acting in accordance with their law enforcement agency. The proposed exceptions to this bill would add commissioned law enforcement officers with the power to arrest (either within their official duties or in accordance with the policies of their employing agency). Under the current exceptions 1-20-24(B) NMSA already apply to *certified* officers *when acting within their duties*; these additional exceptions presumably apply to officers *not acting within their duties*. If they are not acting as law enforcement, the exceptions should not apply.

It is unclear why these exceptions are necessary considering the crime has never been prosecuted, but LOPD notes that the bill language would appear to apply to such officers even off duty. Analyst suggests that the exceptions for law enforcement officers could be limited to officers who are on duty at the time they enter a polling location with a firearm. Off-duty officers who are simply exercising their right to vote should be subject to the same restrictions as other voters. However, no significant legal issues are present with these amendments.

**PERFORMANCE IMPLICATIONS**

None noted.

**ADMINISTRATIVE IMPLICATIONS**

None noted.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

None noted.

**OTHER SUBSTANTIVE ISSUES**

None noted.

**ALTERNATIVES**

Leaving the statute as is.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo. On-duty officers would still fall within the exceptions.

**AMENDMENTS**

None.