

LFC Requester:

Scott Sanchez

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:** 23 JAN 2025

Check all that apply:

Bill Number: HB 101Original Correction Amendment Substitute **Sponsor:** Andrea Reeb**Short Title:** Firearm at a polling place for
Law Enforcement**Agency Name****and Code**790 – Department of Public Safety**Number:****Person Writing** Dale R. Wagoner**Phone:** 505-629-2803 **Email:** dale.wagoner@dps.nm.gov**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		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	NFI	N/A	N/A

(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

The Election Code is amended to exclude from the crime of unlawful possession of a firearm at a polling place “commissioned” law enforcement officers with the power to arrest in performance of their official duties or in accordance with the policies of the officer’s law enforcement agency. Current law exempts “certified” law enforcement officers under the Law Enforcement Training Act only.

House Bill 101 amends Section 1-20-24 NMSA 1978 to exempt commissioned law enforcement officers with the power to arrest from restrictions on firearm possession at polling places while performing official duties or following their agency's policies. The bill aims to enhance security at polling locations while maintaining existing restrictions for the general public. Other exemptions, such as for individuals in private vehicles or with valid concealed carry licenses, remain unchanged.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS. Section 1, subparagraph B. (3) and (4) could be combined to state, “a commissioned law enforcement officer with the power to arrest in performance of the officer's official duties who is acting in accordance with the policies of the officer's law enforcement agency;” This would add clarity and better limit when commissioned officers can rightfully be in possession of a firearm at a polling place.

The bill makes clear what a certified law enforcement officer is in the context of the NMSA Section 1-20-24. However, it does not make clear what a commissioned officer is or instead list a statute or rule that defines what a commissioned officer is. For example, Sheriffs can appoint deputies (NMSA 1978, § 4-41-5).

PERFORMANCE IMPLICATIONS

The Department of Public Safety supports the proposed amendment to 1-20-24. Currently, the bill exempts certified law enforcement officers from the statute. This amendment will expand the exemption to include commissioned law enforcement officers as well.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None at this time.