

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: 29 JAN 25 *Check all that apply:*
Bill Number: HB 162 Original Correction
 Amendment Substitute

<p>Jimmy Mason Randall T. Pettigrew Jack Chatfield Joseph L. Sanchez</p> <p>Sponsor: <u>John Block</u></p> <p>Short Title: <u>REPEAL FIREARM SALE</u> <u>WAITING PERIOD</u></p>	<p>Agency Name and Code 790 – Department of Public Safety Number:</p> <p>Person Writing <u>ANGIE CORMIER</u></p> <p>Phone: <u>5056144472</u> Email: <u>angie.cormier@dps.nm.gov</u></p>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	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

House Bill 162 (HB 162) seeks to repeal the seven-day waiting period for the sale of firearms in New Mexico, which was established under Section 30-7-7.3 NMSA 1978 (Laws 2024, Chapter 46, Section 1). This bill effectively removes any mandatory delay between the purchase and possession of a firearm, allowing for immediate transfers upon the completion of a background check.

FISCAL IMPLICATIONS

The repeal of the seven-day waiting period is expected to have minimal fiscal impact on the Department of Public Safety (DPS) Law Enforcement Records Bureau (LERB), as background checks will continue under existing procedures.

SIGNIFICANT ISSUES

DPS opposes the repeal of the seven-day waiting period following the sale of a firearm within our state. The current waiting period serves as a crucial safeguard to allow much-needed time not just for the completion of a background check but also for the purchasing individual to further contemplate the purchase, especially if done impulsively or in moments of emotional distress or crisis.

Our state is no stranger to gun-related violence, and while it may not be convenient to wait, it could aid in decreasing “heat of the moment” purchases that result in violence or harm to either the purchaser or to another person as a result of domestic violence or suicide.

The current waiting period assists in ensuring responsible gun ownership by encouraging a more purposeful process for the purchaser to consider the responsibility tied to owning a firearm.

A key concern is public safety, as waiting periods serve as a "cooling-off" mechanism to prevent impulsive violence, suicides, and domestic shootings.

Studies indicate that states with waiting periods see lower firearm-related homicide and suicide rates. While federal law does not mandate a waiting period, it requires Federal Firearms License (FFLs) to delay sales for up to three business days if a background check is incomplete. If HB 162 is enacted, firearm sales in New Mexico would align with federal law, allowing immediate transfers upon NICS (National Instant Criminal Background Check System) approval.

The National Instant Criminal Background Check System (NICS) is a federal system used to conduct background checks on individuals purchasing firearms from federally licensed firearms dealers (FFLs). Established under the Brady Handgun Violence Prevention Act of 1993, NICS is operated by the FBI to determine whether a prospective buyer is legally permitted to own a firearm. The system verifies compliance with federal firearm prohibitions outlined in the Gun Control Act of 1968 (Title 18, U.S. Code Section 922) and any applicable state restrictions, as defined in Title 27, Code of Federal Regulations, Section 478.11. These checks assess factors such as criminal history, mental health records, restraining orders, and other disqualifying factors against databases maintained by the FBI, state agencies, and federal law enforcement.

Following a NICS check, the system issues a one of three possible determinations: approval, denial, or delay (which may extend up to three business days) before a firearm sale can proceed.

This bill provides stronger second amendment rights to those seeking to purchase firearms, but at great cost to

other members of the public with the significantly reduced level of public safety to New Mexican residents, especially those who choose not to own or possess firearms themselves.

Notably, a federal court has already preliminarily upheld the constitutionality of New Mexico's 7-day waiting period. *See Ortega v. Lujan Grisham*, 2024 WL 3495314 (D.N.M. July 22, 2024). In so holding, the court observed that New Mexico "adduce[d] significant evidence that waiting period laws may help reduce this tidal wave of gun violence." *Id.* at *42.

PERFORMANCE IMPLICATIONS

If firearm-related crimes increase, law enforcement resources could be strained due to additional investigative and response needs.

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety will see minimal administrative impact but will no longer oversee compliance with the waiting period. Law enforcement agencies may need to adjust strategies for monitoring firearm-related incidents, particularly in high-risk situations.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified at this time.

TECHNICAL ISSUES

There are no apparent technical issues with the repeal itself, as it directly removes an existing statute without requiring additional modifications to related firearm laws.

OTHER SUBSTANTIVE ISSUES

No substantive issues have been identified at this time.

ALTERNATIVES

No alternatives have been identified at this time.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The seven-day waiting period will remain in effect.

AMENDMENTS

No amendments have been identified at this time.