

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 01/29/2025 *Check all that apply:*  
**Bill Number:** HB166 Original  Correction   
 Amendment  Substitute

**Sponsor:** Nicole Chavez < Andrea Reeb & Art De La Cruz **Agency Name and Code Number:** 770-NMCD  
**Short Title:** Felon in Possession of a Firearm Penalty **Person Writing:** Anisa Griego-Quintana  
**Phone:** 505-479-2296 **Email:** anisa.griego-quinta@cd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	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
<b>Total</b>	0	Minimal	Minimal	Minimal	Recurring	General

(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**

Synopsis: House Bill 166 would impose a third degree penalty for a felon in possession of a firearm or destructive device of five years imprisonment; a second or subsequent offense is nine years imprisonment (a second degree felony); increases the penalty for a serious violent felon in possession of a firearm or destructive device to a second-degree felony (up from third degree).

It would also add possession of a destructive device by a felon to the third-degree felony category, subject to sentencing in accordance with provisions of the Criminal Sentencing Act—the same as the existing penalty for a felon found in possession of a firearm. A felon found in possession of a firearm or destructive device for a second or subsequent offense shall be guilty of a second-degree felony.

A serious violent felon found to be in possession of a firearm or destructive device shall be guilty of a second-degree felony, up from a third-degree felony under current law. Gone is the caveat that carries a mandatory basic term of six years imprisonment, notwithstanding provisions of Sec. 31-18-15.

Effective date: July 1, 2025.

#### **FISCAL IMPLICATIONS**

The increase in penalties for felons in possession of a firearm or destructive device would likely have a positive effect on public safety through greater deterrence and isolation of offenders from the public for longer time periods.

Any increase in the number of inmates in prison or on community supervision could impact the Corrections Department budget. At the FY24 expenditure level, the average cost per inmate is \$56,804 annually, or approximately \$156 per day. Given current trends in inflation and rising operational costs, the future average cost per inmate will exceed the current estimate. Additionally, the average annual cost per individual on community supervision is \$7,074.

#### **SIGNIFICANT ISSUES**

None for the Corrections Department.

#### **PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

#### **ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

This would affect Section 30-7-16, which is also targeted for amendment in HB 39. The specific purposes of the bills are different, but they would need to be coordinated if both pass because they are proposing different amendments to Section 30-7-16.B.

## **TECHNICAL ISSUES**

None for the Corrections Department.

## **OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

## **ALTERNATIVES**

None for the Corrections Department.

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

Status quo.

## **AMENDMENTS**

None proposed by the Corrections Department.