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

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

<u>AgencyAnalysis.nmlegis.gov</u> and email to <u>billanalysis@dfa.nm.gov</u>
(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	stitute or a correction of a previous bill	amendment, si	original bill,	on an	analysis is	ndicate if
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Date Prepared:January 31, 2025Check all that apply:Bill Number:House Bill 235OriginalXCorrectionAmendmentSubstitute

Agency Name

Rep. Jenifer Jones, Nicole and Code

Sponsor: Chavez and Andrea Reeb **Number:** AOC 218

Short Person Writing Patricia M. Galindo

Title: Firearms & Certain Persons Phone: 505-670-2656 Email aocpmg@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring	Fund	
FY25	FY26	or Nonrecurring	Affected	
None	None	N/A	N/A	

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring	Fund
FY25	FY26	FY27	or Nonrecurring	Affected
None	None	None	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	N/A	N/A	N/A	N/A	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

Synopsis: House Bill 235 would amend Section 30-7-16(A) NMSA 1978 be creating a new category of person prohibited from receiving, transporting or possessing a firearm or destructive device in New Mexico to include "an undocumented alien". This legislation also amends Section 30-7-16(D) NMSA 1978 to include "an undocumented alien" as being subject to a misdemeanor penalty if found guilty of receiving, transporting or possessing a firearm or destructive device. Finally, HB 235 defines "an undocumented alien" as "a foreign national and who is illegally or unlawfully present in the United States as provided by federal law".

HB 235 does not contain an effective date and would be effective on June 20, 2025, 90 days following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury costs. These additional costs are not capable of quantification.

There will be a minimal administrative cost for the statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

Under 18 U.S.C. Section 922(g)(5), "aliens illegally or unlawfully in the United States" are already prohibited from owning or possessing a firearm. Currently, Section 30-7-16(A)(3)d) NMSA 1978 already states a "crime listed in 18 U.S.C. 921" so this language appears duplicative and unnecessary.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS - none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP - none identified.

TECHNICAL ISSUES – none.

OTHER SUBSTANTIVE ISSUES - none identified.

ALTERNATIVES - none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – none.

AMENDMENTS – none.