

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 by 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.