

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: 31 JAN 2025 *Check all that apply:*
Bill Number: HB 235 Original Correction
 Amendment Substitute

Sponsor:	<u>Jenifer Jones and Nicole Chavez and Andrea Reeb</u>	Agency Name and Code	<u>790 – Department of Public Safety</u>
Short Title:	<u>Prohibiting an undocumented alien from possessing firearm</u>	Number:	<u></u>
		Person Writing	<u>Randy Larcher</u>
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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

Amends the Criminal Code for two ostensible purposes: to add “undocumented aliens” to the list of persons for whom receipt, transport, or possession of a firearm or destructive device is unlawful, and to include a definition for “undocumented aliens” in the Criminal Code, where it does not appear to otherwise be used. Possession of a firearm by prohibited persons is a misdemeanor.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

No significant issues to DPS. The bill addition concerning undocumented aliens is concurrent with 18 U.S.C. § 922(g) stating, “(g) It shall be unlawful for any person— ... (5) who, being an alien— (A)is illegally or unlawfully in the United States; or (B)except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)))[.]”

PERFORMANCE IMPLICATIONS

According to 18 U.S.C. § 922(g)(5)(A) of Federal Law, it is unlawful for a person who is illegally in the United States “to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

In a state grappling with a high incidence of gun crimes, this law will empower law enforcement by adding an extra charge for individuals prohibited from possessing firearms, particularly those who pose a significant risk to themselves or others.

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.