

LFC Requester:

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: 2/10/2025 *Check all that apply:*
Bill Number: HB 248 Original Correction
 Amendment Substitute

Sponsor:	<u>Randall Pettigrew, Joseph Sanchez</u>	Agency Name and Code Number:	<u>Administrative Office of the District Attorneys 264</u>
Short Title:	<u>Carrying a firearm while trafficking</u>	Person Writing	<u>Troy Davis</u>
		Phone:	<u>505-3858461</u> Email: <u>davistr@msn.com</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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						

(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 248 would make carrying a firearm while trafficking a controlled substance a third-degree felony.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

House bill 248 would make a crime to carry a firearm while trafficking a controlled substance means that the trafficking charge would have to be proven first. The carry of firearm while trafficking would have the jury instruction of trafficking in the elements of the crime and then the jury would have the elements of trafficking in a separate jury instruction. This could be confusing to a jury. It would be more reasonable to make it a firearm enhancement that would be given to a jury to determine if a firearm was present after the jury convicted the defendant of trafficking a controlled substance. The enhancement can add three years to the trafficking-controlled substance charge.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS