

LFC Requestor: SANCHEZ, Scott

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: House
Number: 248

Category: Bill
Type: Introduced

Date (of THIS analysis): 2/5/25
Sponsor(s): Randall T. Pettigrew, Joseph L. Sanchez, and Art De La Cruz
Short Title: CARRYING A FIREARM WHILE TRAFFICKING

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	n/a	n/a

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	n/a	n/a

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	n/a	n/a

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: HB39, SB255, SB253

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 248 (HB248) creates the crime of unlawful carrying of a firearm while trafficking a controlled substance (defined in Section 30-31-20 NMSA 1978), which would be a third degree felony.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Firearm deaths in New Mexico

New Mexico (NM) has had one of the highest age-adjusted firearm death rates in the United States (US) over the past two decades. Over the past decade (2011-2022):

- the age-adjusted firearm death rate in NM increased by 84% (from 14.8 per 100,000 population in 2011 to 27.3 per 100,000 population in 2022).
- NM's rank for age-adjusted firearm death rates went from the 10th highest to 3rd highest in the U.S.
- the gap in the age-adjusted firearm death rate between NM and the US doubled from 2011 to 2022. In 2011, NM's age-adjusted firearm death rate was 45% higher than the US. In 2022, it was 90% higher.

More recent trends in firearm deaths in NM (2019-2023) indicate that:

- The number of firearm deaths increased by 7% between 2019 and 2023. The number of firearm deaths peaked at 562 firearm deaths (in 2021), representing a 19% increase between 2019 and 2021.
- Suicide with a firearm remained relatively stable between 2019 (285 deaths) and 2023 (273 deaths).
- Homicide with a firearm increased by 29% from 158 (in 2019) to 204 (in 2023). The number of homicides with a firearm also peaked in 2021 (224 firearm deaths), a 42% increase between 2019 and 2021.

- In 2022, there were a total of 550 firearm-related deaths in NM that included 214 homicides, which represents 39% of all firearm deaths in NM (Unpublished data, [NM BVRHS](#)).
- In 2022, 77.0% (or 214 out of 278) of homicides involved a firearm (Unpublished data, [NM BVRHS](#)).
- Over the past several years, firearms have become the leading cause of death for children and adolescents in the US ([Gun Violence: The Impact on Public Health \(nihcm.org\)](#)).
- In 2022, firearms were the leading cause of death for children (age 1-18) in New Mexico (Unpublished data, [NM BVRHS](#))

Drug Trafficking in New Mexico

In 2023, the U.S. Sentencing Commission wrote a report on federal drug trafficking cases in New Mexico ([nm23.pdf](#)). Several key findings from this report were that:

- Drug offenses accounted for 13% of federal crimes [sentenced] in NM compared to almost 30% for the U.S.
- Firearms were over 9% of federal crimes [sentenced] in NM vs. almost 14% in the U.S.
- The most common drug types in federal drug cases were:
 - Meth (63%), fentanyl (17%), & powdered cocaine (10%) in NM, which is also the top 3 for the U.S. (meth [47%], fentanyl [18%], and powdered cocaine [10%])
- More generally, the District of New Mexico sentenced 2006 individuals in FY23, which represents over 3% of the overall federal sentencing caseload ([2023 Federal Sentencing Statistics | United States Sentencing Commission](#)).

Drug Trafficking & Gun Carrying

Several studies examined the connection between firearms and drug trafficking. For example, Felson & Bonkiewicz (2013) analyzed survey data from drug offenders in the 1997 Survey of Inmates of State and Federal Correctional Facilities (<https://richardfelson.wordpress.com/wp-content/uploads/2013/06/drug-trafficking-luke.pdf>). Several key findings were that:

- Participants in crack-cocaine markets are more likely to possess guns than participants in powdered-cocaine, opiate, and marijuana markets
- Participants in barbiturates and amphetamine markets also have high rates of possession of guns
- Drug traffickers who handle moderately valuable stashes, who have central roles in the drug trade, and who are members of drug organizations also have high levels of gun possession.

Sevigny & Allen (2014) examined data from the 2004 Survey of Inmates in State and Federal Correctional Facilities to examine the impact of the drug market on gun carrying. Several key findings were that:

- Over 7% of drug offenders carried a firearm for the crime that they were convicted/incarcerated for
- Offenders had higher rates of drug use (41%) versus alcohol use (20%) at the time of the offense
- 26% committed their drug offense to obtain drugs for personal use
- 45% of all drug offenders had been shot at, 37% had been attacked with a knife, 20% had a prior violent conviction, and 7% had a prior weapon-related conviction
- The most common type of drug offenders were: crack (28%), powder cocaine (25%), meth (16%), multiple drugs (12%). Heroin (8%) and marijuana (7%) were less common
- Most offenders were street dealers (32%) or were convicted for drug possession (26%), which is not surprising since federal prisons typically house more serious drug offenders.
 - 8% were part of an organized drug ring in the year before their arrest/incarceration, which was 2x higher for federal offenders (14%) versus state offenders (7%)
- Using drugs at the time of the offense increased the odds of gun carrying (compared to non-intoxicated offenders) by 56%
- Having illegal earnings in the month prior to arrest increased the odds of gun carrying by 65%
- Crack cocaine offenders were the least likely drug market participants to possess a gun, but both meth and multi-drug offenders were 2x more likely to carry a gun during their offense (compared to crack offenders)
- Crack cocaine is linked to gun violence when crack market participants interact with other drug markets (i.e., powder cocaine).

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 - Yes No
 If yes, describe how.
 - Is this proposal related to the NMDOH Strategic Plan? Yes No
- Goal 1:** We expand equitable access to services for all New Mexicans
- Goal 2:** We ensure safety in New Mexico healthcare environments
- Goal 3:** We improve health status for all New Mexicans
- Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

- SB255 is related to HB39 which allows for an adult's record of juvenile delinquency and use of a firearm into consideration for adult felony firearm possession and background checks.
- SB255 is related to HB39 which makes the transfer of a firearm to a minor a criminal offense punishable as felony racketeering.
- SB255 is related to SB253 which increases the penalty for a felon found in possession of a firearm from a third to a second degree felony.

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

Firearm Deaths for Children and by Race/Ethnicity in New Mexico

- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the US (under 19 years old). In 2021, firearms remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihcm.org\)](https://nihcm.org)).
 - In 2022, firearms were the leading cause of death for children (age 1-18) in New Mexico (Unpublished data, NM BVRHS)
- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in NM, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](https://nm.bvrhs.org)).
- In NM, between 2019 and 2023, firearm deaths increased by 114% among American Indian and Alaska Natives residents, by almost 40% among Hispanics, and decreased by 11% among non-Hispanic Whites.

9. HEALTH IMPACT(S)

Firearm Deaths in New Mexico

- In 2022, the total annual cost of firearm deaths in NM was \$6.22 billion, representing an annual cost of \$2,943 annually to each NM resident ([CDC WISQARS](#)).
- In 2020, firearms surpassed motor vehicle accidents as the leading cause of death for children in the U.S. (under 19 years old). In 2021, firearms has remained the leading cause of death for children in the U.S. ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
- In 2022, NM had the third highest age-adjusted firearm death rate among all states in the US (26.5 deaths per 100,000 residents) (Unpublished data, [BVRHS](#)), which was 84% higher than the national rate (14.4 deaths per 100,000 residents, age adjusted) ([Provisional Mortality Statistics, 2018 through Last Week Request Form \(cdc.gov\)](#)).

10. ALTERNATIVES - none

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If House Bill 248 (HB248) is not enacted, then it will not be a crime to unlawfully carry a firearm while trafficking a controlled substance.

12. AMENDMENTS

None