

LFC Requester:	LFC Analyst 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: 13FEB25 *Check all that apply:*
Bill Number: HB384 Original Correction
 Amendment Substitute

Sponsor: Rep. Stephani Lord & Rep. John Block **Agency Name and Code** 790 – Department of Public Safety
Short Title: Repeal Firearm Sale Waiting Period **Person Writing** Matthew Broom, Deputy Chief
Title: Period **Phone:** 5757601485 **Email:** Matthew.broom@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	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	NFI	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Duplicate of 2025 HB162
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Repeals the mandatory seven-day waiting period for the sale of a firearm in New Mexico, which was established under Section 30-7-7.3 NMSA 1978 (Laws 2024, Chapter 46, Section 1). This bill effectively removes any mandatory delay between the purchase and possession of a firearm, allowing for immediate transfers upon the completion of a background check.

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

DPS opposes the repeal of the seven-day waiting period following the sale of a firearm within our state. The current waiting period serves as a crucial safeguard to allow much-needed time not just for the completion of a background check but also for the purchasing individual to further contemplate the purchase, especially if done impulsively or in moments of emotional distress or crisis.

Our state is no stranger to gun-related violence, and while it may not be convenient to wait, it could aid in decreasing “heat of the moment” purchases that result in violence or harm to either the purchaser or to another person as a result of domestic violence or suicide.

The current waiting period assists in ensuring responsible gun ownership by encouraging a more purposeful process for the purchaser to consider the responsibility tied to owning a firearm.

A key concern is public safety, as waiting periods serve as a "cooling-off" mechanism to prevent impulsive violence, suicides, and domestic shootings.

Studies indicate that states with waiting periods see lower firearm-related homicide and suicide rates. While federal law does not mandate a waiting period, it requires Federal Firearms License (FFLs) to delay sales for up to three business days if a background check is incomplete. If HB 162 is enacted, firearm sales in New Mexico would align with federal law, allowing immediate transfers upon NICS (National Instant Criminal Background Check System) approval.

The National Instant Criminal Background Check System (NICS) is a federal system used to conduct background checks on individuals purchasing firearms from federally licensed firearms dealers (FFLs). Established under the Brady Handgun Violence Prevention Act of 1993, NICS is operated by the FBI to determine whether a prospective buyer is legally permitted to own a firearm. The system verifies compliance with federal firearm prohibitions outlined in the Gun Control Act of 1968 (Title 18, U.S. Code Section 922) and any applicable state restrictions, as defined in Title 27, Code of Federal Regulations, Section 478.11. These checks assess factors such as criminal history, mental health records, restraining orders, and other disqualifying factors against databases maintained by the FBI, state agencies, and federal law enforcement.

Following a NICS check, the system issues a one of three possible determinations: approval, denial, or delay (which may extend up to three business days) before a firearm sale can proceed.

This bill provides stronger second amendment rights to those seeking to purchase firearms, but at great cost to other members of the public with the significantly reduced level of public safety to New Mexican residents, especially those who choose not to own or possess firearms themselves.

PERFORMANCE IMPLICATIONS

If firearm-related crimes increase, law enforcement resources could be strained due to additional investigative and response needs.

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety will see minimal administrative impact but will no longer oversee compliance with the waiting period. Law enforcement agencies may need to adjust strategies for monitoring firearm-related incidents, particularly in high-risk situations.

The repeal would reduce the administrative workload for agencies that previously monitored the waiting period compliance. Background check processes would remain in place but without the added step of delaying firearm transfers.

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.