

Duplicates/Conflicts with/Companion to/Relates to: House Bill 166
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 496 amends Section 30-7-16 NMSA 1978 by increasing the penalty for a person found guilty of being a felon in possession of a firearm. A first offense would be a second-degree felony, while a second and subsequent offense would be a first-degree felony.

House Bill 496 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

Section 30-7-16(B) NMSA 1978 was amended in 2020 to increase the penalty for the offense of felon in possession of a firearm from a fourth-degree felony to a third-degree felony. HB 496 would again increase the level and sentence for this felony offense up to a second-degree felony, with a basic sentence of nine years imprisonment.

HB 496 also creates a new offense and penalty for a second and subsequent offense for a felon in possession of a firearm or destructive device. A person guilty of a second or subsequent offense under Section 30-7-16(B) NMSA 1978 would be subject to a basic sentence of eighteen years imprisonment.

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.