



Duplicates/Conflicts with/Companion to/Relates to: House Bill 566  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 565 amends Section 30-7-7.3 NMSA 1978 by expanding the list of firearm purchasers exempt from the mandatory seven day waiting period when purchasing a firearm in New Mexico from a licensed gun dealer to include law enforcement officers.

HB 565 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**

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**

HB 565 would exempt law enforcement officers from the mandatory seven day waiting period for purchasing a firearm from a licensed gun dealer. HB 565 defines these law enforcement officers as a buyer:

- authorized to carry a firearm and certified pursuant to federal law of the Law Enforcement Training Act; and
- who is a commissioned law enforcement officer who has the power to arrest while performing the officer's official duties.

As written, this legislation may allow a law enforcement officer who is not allowed to possess a firearm under federal law to circumvent the firearm waiting period and gain immediate access to a firearm. The federal Gun Control Act (GCA) prohibits persons subject to certain qualifying protection orders from possessing or receiving firearms and/or ammunition. 18 U.S.C. § 922(g)(8). However, 18 U.S.C. § 925(a)(1) exempts the United States, states, and political subdivisions of states from most provisions of the GCA, including the firearm prohibitions contained in §§ 922(g), (d) and (n), except the prohibitions imposed for persons convicted of a misdemeanor crime of domestic violence (18 U.S.C. § 922(d)(9) and (g)(9)). As a result, employees of a federal, state, or local department or agency, such as law enforcement officers and members of the military, are prohibited from receiving and possessing firearms and ammunition, even on behalf of the government entity, if the employee has been convicted of a misdemeanor crime of domestic violence.

There is an "official use" exemption for law enforcement subject to a qualifying protection order to keep their official firearms, even if purchased privately, while on duty if the officer is required to purchase their own service weapon but the firearm must be for use in performing official duties. If under department policy, there is an "end of shift", then no firearm may be kept after the shift ends. In these cases, the firearm must be returned to a supervising officer until the

officer subject to the prohibition returns to duty, at which point they can be signed out again.

**PERFORMANCE IMPLICATIONS** – none identified.

**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.