

LFC Requester:

SCOTT SANCHEZ

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/21/2025

Check all that apply:

Bill Number: HB 566

Original  Correction   
Amendment  Substitute

Sponsor: REPS. STEFANI LORD, JIMMY G. MASON, JOHN BLOCK, WILLIAM A. HALL II, and HARLAN VINCENT

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

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

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	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
<b>Total</b>	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB 565, HB 162, HB 384  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

NMSA Section 30-7-7.3 requires a seven-calendar-day waiting period for the sale of a firearm and the transfer of the firearm to the buyer, with certain exceptions. Currently, sales of firearms are exempt from the waiting period if they are to a federal firearms license holder, a concealed carry license holder, a law enforcement agency, or between certain certified law enforcement officers or immediate family members.

HB 566 would provide that the required waiting period for the sale of firearms also would not apply to a buyer who is not “by action of law permanently disqualified from possessing a firearm” and who is a certified law enforcement officer, a former or retired certified law enforcement officer, a commissioned law enforcement officer, or a law enforcement officer of an Indian nation, tribe or pueblo.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

The new exceptions under HB 566 operate only if the buyer is not “by action of law permanently disqualified from possessing a firearm[.]” This may be a reference to the federal prohibition on certain people, including felons, from possessing firearms. *See* 18 U.S.C. 922. New Mexico does not have a permanent firearm disqualification; NMSA 1978, Section 30-7-16 only prohibits felons from possessing firearms for 10 years following the completion of their sentences. So, the new HB 566 would by its terms operate only on the federal prohibition, not the state felon-in-possession statute. The federal circuits are currently split on the constitutionality of 18 U.S.C. 922. *See Range v. Attn’y Gen. U.S.*, 124 F.4th 218 (3d. Cir. 2024) (holding that 18 U.S.C. 922 is unconstitutional as applied to a nonviolent felon); *Vincent v. Bondi*, \_\_ F.4th \_\_, 2025 WL 453999 (10th Cir. Feb. 11, 2025) (holding that 18 U.S.C. 922 is constitutional regardless of the identity of the underlying felony). The Supreme Court may soon resolve the circuit split and

determine whether the lifetime ban in 18 U.S.C. 922 is constitutional. If the Court holds that the lifetime ban is unconstitutional at least in some circumstances, the restrictive portion of the new language in HB 566 would have no effect.

To avoid this, the language “a buyer who is not by action of law permanently disqualified from possessing a firearm” could be replaced with “a buyer who is not otherwise prohibited from possessing a firearm.”

#### **PERFORMANCE IMPLICATIONS**

N/A

#### **ADMINISTRATIVE IMPLICATIONS**

N/A

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 565 is related to but narrower than HB 566 in that it would only add to the exemptions (1) sales to a buyer who is a law enforcement officer authorized to carry a firearm and certified pursuant to federal law or the Law Enforcement Training Act; and (2) sales to a buyer who is a commissioned law enforcement officer who has the power to arrest while performing the officer’s official duties.

HB 162 and HB 384 directly conflict with HB 566 because they would repeal the waiting period entirely.

#### **TECHNICAL ISSUES**

N/A

#### **OTHER SUBSTANTIVE ISSUES**

None.

#### **ALTERNATIVES**

None.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

#### **AMENDMENTS**

See Substantive Issues above.