

LFC Requestor: SANCHEZ, Scott

**2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS**

**Section I: General**

**Chamber:** Senate **Category:** Bill  
**Number:** 32 **Type:** Introduced

**Date (of THIS analysis):** 1/28/25  
**Sponsor(s):** Antonio Maestas  
**Short Title:** UNLAWFUL POSSESSION OF STOLEN FIREARM

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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	n/a	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
<b>Total</b>	\$0	\$0	\$0	\$0	n/a	n/a

### Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: N/A

### Section IV: Narrative

#### 1. BILL SUMMARY

##### a) Synopsis

Senate Bill 32 (SB32) proposes to make it a fourth-degree felony to possess or knowingly transport a stolen firearm. (Each firearm possessed or transported in violation of this law would be charged as a separate offense.) Two exceptions to this law are:

- if the firearm is received/retained with the intent to restore it to the owner  
or
- participation in a firearm buyback program

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

##### b) Significant Issues

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 has also widened. 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 has increased by 7% from 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 has 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 \(nihcm.org\)](#)).

The Trace estimated that about 300,394 guns were reported stolen from private owners in 2020, based on the FBI estimates of the total value of firearm stolen (\$135 million) ([How Many Guns Are Lost, Stolen, or Destroyed in the U.S. Each Year?](#)). Only 75% of private gun thefts are reported to law enforcement and there is no uniform way for law enforcement to report if a firearm used in a crime was stolen from a private citizen (<https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-v-firearm-thefts/download>).

A study conducted by Hemenway et al. (2017) ([Whose guns are stolen? The epidemiology of Gun theft victims](#)) found that:

- 2.4% of gun owners had one or more guns stolen with an average of 1.5 firearms stolen per theft.
- Risk factors for gun theft included: owning more than 6 guns, owning guns for protection, carrying a gun in the past month, unsafe storage of guns, and living in the South region of the US.
- With an average of 250,000 gun theft incidents per year, there were about 380,000 guns stolen.

A study, by Braga et al (2021), (<https://link.springer.com/content/pdf/10.1007/s11524-020-00477-z.pdf>) found that:

- Recovered guns [identified using firearms trace data] were more likely to: (a) originate in state with less restrictive gun laws; and (b) have changed ownership in unregulated transactions (relative to guns recovered in other boroughs in NYC)
- Interviews with residents at-risk for involvement in gun violence uncovered 3 main pathways for illegal guns in the Bronx and Brooklyn: (a) high volume gun brokers;

(b) middlemen, and (c) individuals who make occasional acquisitions from straw purchasers in other states

Finally, Laqueur et al (2023) study (<https://link.springer.com/content/pdf/10.1007/s11524-023-00741-y.pdf>) revealed that:

- About 8% of recovered crime guns were reported as stolen, which is higher than estimates from single jurisdictions from previous studies
  - Recovery of handguns in both violent and non-violent crimes has doubled (between 2011 and 2021)
- The number guns reported stolen, and the percent of guns recovered by law enforcement previously reported stolen, has dropped dramatically between 2012 and 2022
  - This drop is consistent with a drop in overall property crime (i.e., larceny) in California during this period (2010-2021).

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?  
 Yes  No
- 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

None

## 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

\*\*\*\*Line 19 of Page 1 specifies that a person who “knowingly” possesses or transports a stolen firearm would be subject to guilty of a fourth-degree felony. This bill should be reworded to specify [in detail] what the gun buyer needs to do to determine if a gun is stolen.

One potential solution is to require computerized data on secondhand sales of firearms to identify stolen firearms before the sale of all firearms on the secondary market ([Strong gun laws are not enough: The need for improved enforcement of secondhand gun transfer laws in Massachusetts - ScienceDirect](#)).

## 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

- 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 has remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
- In NM, between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17, which included 50 suicide deaths and 56 homicide deaths (Unpublished data, [NM BVRHS](#)).
- In NM, between 2019 and 2023, firearm deaths increased by 114% among American Indian and Alaska Native residents, by almost 40% among Hispanics, and decreased by 11% among non-Hispanic Whites

## 9. HEALTH IMPACT(S)

- 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 US (under 19 years old). In 2021, firearms has remained the leading cause of death for children ([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](#)), 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 SB32 is not enacted, then it will not be a fourth-degree felony to possess or transport a stolen firearm.

**12. AMENDMENTS**

None