

LFC Requestor: SANCHEZ, Scott

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate

Category: Bill

Number: 35

Type: Introduced

Date (of THIS analysis): 1/29/2025

Sponsor(s): Antonio Maestas

Short Title: SEPARATE SHOOTING FROM MOTOR VEHICLE CRIMES

Reviewing Agency: Agency 665 - Department of Health

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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	\$0	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
Total	\$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 35 (SB35) creates a separate crime for shooting at a motor vehicle and shooting from a motor vehicle. SB 35 provides definitions, criminal penalties and provides exceptions for law enforcement officers who discharge firearms in the course of their official duty.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

How often do drive by shootings occur?

While there is little academic research on drive-by shootings, The Violence Policy Center 2007 report ([VPC report](#)) revealed that a Google News search using “drive by” conducted (from July 1, 2006 through December 31, 2006) uncovered 549 drive by shooting incidents that killed 156 individuals and injured 465.

In addition, Hutson et al (1996) conducted a five-year review of drive by shootings by gangs in Los Angeles from 1989 to 1993 (<https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1553-2712.1996.tb03441.x>), which found:

- 6,327 drive-by shootings where 9,053 people were shot and included 590 homicides; and
- 47% of people shot at and 23% of homicide victims were innocent bystanders

Drive by shootings in New Mexico (2013-2022)

Unpublished data from the New Mexico Violent Death Reporting System (NMVDRS) ([unpublished NMVDRS data](#)) show:

- The number of deaths was highest during 2019 (10 deaths), but dropped by 40% (6 deaths) in 2022
- There was a 333% increase in drive by shooting deaths between 2013 (3 deaths) and 2019 (10 deaths).
- Between 2021 and 2022, the number of drive-by shooting deaths has decreased by over 33% (from 9 deaths to 6 deaths)

Similar laws in other states

- California’s law ([PEN § 26100](#)) prohibits the malicious and willful discharge of a firearm from a motor vehicle at another person, which is a felony punishable by 3-7 years of imprisonment. Willful and malicious discharge of a firearm from a motor vehicle of any kind is punishable by up to 1 year of prison.
- Louisiana also has a law ([RS 14:37.1](#)) for assault by drive by shooting that: (a) defines drive by shooting; and (b) is punishable by 3-10 years of imprisonment [with or without hard labor].
- In 2024, the Arizona Senate proposed a law ([SB 1687](#)) to prohibit weapon discharge and/or drive by shooting that: (a) expands the definition of their criminal classification of drive by shooting to include discharging a firearm at a person, occupied structure, or occupied motor vehicle, which is a class 2 felony with a prison sentence of five years and a fine not more than \$150,000.

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

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

Firearm Deaths for Children and by Race/Ethnicity in New Mexico

- 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 \(nihcm.org\)](#)).
- Between 2018 and 2022, there were 117 firearm deaths among children aged 0 – 17 in NM, 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 Natives residents, by almost 40% among Hispanics, and decreased by 11% among non-Hispanic Whites.

9. HEALTH IMPACT(S)

Firearm Deaths in New Mexico

- 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 \(cdc.gov\)](#)).

- 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%, 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 \(nihcm.org\)](#)).

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If Senate Bill 35 (SB35) is not enacted, then shooting from a motor vehicle and at a motor vehicle will not be separate crimes.

12. AMENDMENTS

None