

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 5 FEB 2025 *Check all that apply:*  
**Bill Number:** SB 253 Original  Correction   
 Amendment  Substitute

**Sponsor:** Craig W. Brandt **Agency Name and Code** 790 – Department of Public Safety  
**Short Title:** Felons in Possession of a Firearm **Number:** \_\_\_\_\_  
**Title:** \_\_\_\_\_ **Person Writing** Emmanuel T. Gutierrez  
**Phone:** 505-917-2952 **Email:** Emmanuel.gutierrez@dps.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

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

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	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>	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

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

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

This bill increases the penalty for a felon in possession of a firearm from a third to a second degree felony, punishable by a minimum of nine years in prison; for people previously convicted as “a serious violent felon” the charge would carry a minimum of 12 years in prison; excludes both groups from eligibility for earned meritorious deductions in sentences.

#### **FISCAL IMPLICATIONS**

None.

#### **SIGNIFICANT ISSUES**

None.

#### **PERFORMANCE IMPLICATIONS**

DPS supports this bill due to violent crime committed by repeat offenders being a significant driver of violent crime in this state. There is currently a significant disparity in punishment levels between the federal and state systems when it comes to this offense. This bill would help alleviate that discrepancy, which often comes into play due to the limited resources the federal government has to prosecute these cases. Currently, only a portion of felon in possession cases are handled in federal court where there are more significant penalties. The penalties in Title 18, Section 922(g) at the federal level range from up to 10 years in prison at the low end but escalate all the way up to a minimum of 15 years imprisonment and even a life sentence or death penalty for those incidents involving murder when a felon is in possession of a firearm.

This bill would allow for better alignment between the state and federal systems when it comes to possible sentences for the offense. It would give state prosecutors more tools to deal with this crime. New Mexico sentences for violent crime are significantly lower than those of other states or the federal government even though we have the second highest violent crime rate according to the most recently available statistics. According to the *New Mexico Criminal Justice Data Snapshot* report released on January 6, 2025 by the Bureau of Justice Assistance of the U.S. Department of Justice and the Council of State Governments, for the most recent year with available data the average amount of time served for a violent crime in New Mexico was 40% lower than the national average. The average time period served was 2.7 years when the national average is 4.5 years served. All of this occurred during a decade that saw homicides increase by 96 percent and aggravated assaults increase by 35 percent in New Mexico. At the same time the prison population incarcerated for violent offenses in New Mexico decreased by 36 percent. One might expect this decrease was due to a higher number of people on probation or supervision, but this was not the case either, as the number of people on probation decreased by 53 percent during that time frame. DPS believes there is an issue with a lack of accountability for violent crime in the state of New Mexico and that this bill will help address those issues.

Harsher penalties may discourage convicted felons from illegally obtaining or carrying firearms, reducing the likelihood of repeat offenses. The individuals in these cases have already proven they do not respect the laws of the state, by being previously convicted of a felony offense. Now, in the cases where this law could come into effect, they are choosing to once again disregard the law by carrying a firearm and endangering the public. By imposing stricter consequences, law enforcement and prosecutors may be better able to keep firearms out of the hands of individuals with prior criminal records, potentially reducing violent crime. This legislation reinforces the seriousness of gun crime and promotes great public safety. DPS support this bill.

#### **ADMINISTRATIVE IMPLICATIONS**

None.

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

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

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

Status Quo will remain.

**AMENDMENTS**

None.