

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to 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: 7 February 2025 *Check all that apply:*
Bill Number: SB 279 Original Correction
 Amendment Substitute

Sponsor: O'Malley **Agency Name and Code** NM Sentencing Commission -- 354
Short Title: Gas-Operated Semiauto Firearms Exclusion Act **Number:** _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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

Synopsis:

SB 279 creates a new section of law titled the “Gas-Operated Semiautomatic Firearms Exclusion Act”. The bill defines various terms: "ammunition", "cycle the action", "fixed magazine", "gas-operated", "immediate family member", "large-capacity ammunition feeding device", "machine gun", "rapid fire device”, and "semiautomatic firearm". SB 279 then, beginning July 1, 2025, bans the import, sale, manufacture, transfer or reception of firearms on the list of gas-operated semiautomatic firearms to be created by the Attorney General or any modified or combination or parts or weapons that would result in a firearm being similar to the list of banned gas-operated semiautomatic firearms. As of January 1, 2026, it would not be permitted to own such a firearm. These restrictions would not apply to a list of exceptions, including any department or agency of the US or Indian tribe, nation, or pueblo; or firearms that in different circumstances are certified under the act. Restrictions are placed on where these certified firearms are kept or used. A list of firearms that are not included as gas-operated semiautomatic firearms for the purposes of the Act are also included. SB 279 also contains similar restrictions on large-capacity ammunition feeding devices, machine guns, or rapid fire devices.

SB 279 further requires, by July 1, 2025, the Attorney General, in consultation with DPS, to identify the list of gas-operated semiautomatic firearms subject to the Act, to be published and made available on the DOJ website. DPS is also given duties related to communicating the list to licensed firearms dealers.

Additionally, SB 279 requires that by October 1, 2025, the Attorney General, in consultation with DPS, to develop and make available a system for certifying gas-operated semiautomatic firearms. The bill outlines the process and requirements of certification of these firearms. The bill also lays out the rights and responsibilities of non-residents under the Act.

In the penalties section of the SB 279, whoever violates a provision of the Act is guilty of a misdemeanor. Whoever commits or attempts to commit a felony offense while in possession of a gas-operated semiautomatic firearm or large-capacity ammunition feeding device in violation of the Act is guilty of a fourth degree felony.

SB 279 also contains a severability section.

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

For comparison with the penalties outlined in SB 279, violation of the normal unlawful possession of a handgun statute, Section 30-7-2.2, is a misdemeanor.

There is no seizure or forfeiture provision in SB 279 as there is with unlawful possession of a handgun (see Section 30-7-2.3).

Everytown for Gun Safety notes that 9 states have assault weapons bans, while 14 states prohibit high-capacity magazines.

In the 2024 case *Garland vs. Cargill*, the US Supreme Court held that Bureau of Alcohol, Tobacco, Firearms and Explosives exceeded its statutory authority by issuing a rule that classifies a bump stock as a “machinegun”.

Legislation similar to the Gas-Operated Semiautomatic Firearms Exclusion Act have been introduced in Congress in recent years, but have not passed.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS