

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate **Category:** Bill
Number: 279 **Type:** Introduced

Date (of THIS analysis): 2/5/25
Sponsor(s): Micaelita Debbie O'Malley and Heather Berghmans
Short Title: GAS-OPERATED SEMIAUTO FIREARMS EXCLUSION ACT

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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: 2025 HB83 (permitless carry of firearms)
HB162 (repeal firearm sale waiting period)

Companion to: None

Relates to: 2025 HB39 (juvenile record for firearm background check)
HB166 (felon in possession of firearm penalties)
SB248 (carrying a firearm while trafficking)
SB253 (felon in possession of a firearm)
SB255 (sale of firearm without background check)

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 279 (SB279) would create the Gas-Operated Semiautomatic Firearms Exclusion Act that would:

- Define components of a gas operated semiautomatic firearm, large capacity ammunition feeding device, rapid fire device, and semiautomatic firearm
- Prohibit the import, sale, manufacture, transfer, receipt, or possession of gas-operated semiautomatic firearms
- Prohibit large-capacity ammunition feeding devices
- Prohibit devices that materially increase the rate of fire of a firearm or approximate the action or rate of fire of a machine gun
- Prohibit machine guns and rapid fire devices
- Require the Attorney General to list gas operated semiautomatic firearms subject to this act
- Require the certification of semiautomatic firearms
- Provide exceptions (see the list of exceptions starting at line 16 of p. 6, line 3 of p. 13, line 10 of p. 18 [a 24 hour exception for nonresidents to transport a firearm, device or combination of parts])

- Specify penalties (see line 16 of p. 19)

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Firearm deaths in New Mexico

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 doubled from 2011 to 2022. 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 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 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 \(nihcm.org\)](#)).
 - In 2022, firearms were the leading cause of death for children (age 1-18) in New Mexico (Unpublished data, [NM BVRHS](#))

Assault Weapons, Large Capacity Magazines, and Mass Shootings

In the first half of 2022, there were four incidents of firearm violence in the U.S. where four or more people (not including the perpetrator) were killed in public locations (<https://www.themarshallproject.org/2022/07/06/what-you-need-to-know-about-the-rise-in-u-s-mass-shootings>). Two of these incidents occurred in states that border New Mexico (Uvalde, Texas and Tulsa, Oklahoma), and resulted in 25 deaths and 17 injuries. In the U.S., these types of incidents have resulted in 33% more fatalities and 500% more injuries, when comparing the five year time period of 2017 to 2021 to the previous five year time period (2012 to 2016) (<https://www.theviolenceproject.org/mass-shooter-database/>).

In an effort to reduce injury from these types of incidents, the U.S. Congress enacted the Public Safety and Recreational Firearms Act of 1994, which implemented a 10-year prohibition on the manufacture, transfer, or possession of “semi-automatic assault weapons,” and large capacity ammunition feeding devices (limiting maximum capacity to 10 rounds) (<https://crsreports.congress.gov/product/pdf/R/R46958>).

- The federal ban expired in 2004 and has not been renewed according to Congressional Research Services. Nine states have subsequently implemented large capacity-based magazine bans since the federal expiration: California (10 rounds), Colorado (15 rounds); Connecticut (10 rounds); Hawaii (10 rounds); Maryland (10 rounds); Massachusetts (10 rounds), New York (10 rounds); New Jersey (10 rounds) and Vermont (10 rounds for rifles and 15 rounds for handguns) (<https://congressionalsportsmen.org/policies/state/full-capacity-magazines>).

Post et al. (2021) estimated the impact of the ten-year federal ban (1994-2004) on assault weapons and large-capacity magazines (LCMs) on mass shootings [with 4 or more fatalities] (<https://publichealth.jmir.org/2021/4/e26042?fs=e&s=cl>). Post et al estimated:

- The federal ban prevented 11 shootings with 4 or more fatalities
- A continuation of the federal ban between 1995 to 2019 could have prevented 30 mass shootings (4 or more fatalities), which could have prevented 339 fatalities and 1139 firearm injuries.
- On a related note, Koper’s (2020) review of this literature found that high-capacity semiautomatics, including assault weapons, were used in between 20% and 58% of all shootings involving multiple fatalities (<https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9133.12485>).

Jaeger et al. (2018) used FBI data to examine 248 active shooter incidents (where an individual is actively attempting to kill people in an confined or populated area) (<https://jamanetwork.com/journals/jama/fullarticle/2702134>) and found that:

- Incidents involving a semiautomatic rifle (n=62) resulted in 81% more wounded, 97% more fatalities, and 91% more wounded or killed compared to incidents that did not involve a semiautomatic rifle (n=187).
- The restriction on LCMs is a critical component of the ten-year federal ban on assault weapons because:
 - LCMs are used in at least 20% of incidents with multiple fatalities
 - LCMs are used in ½ to 2/3 of incidents with 6 or more fatalities; and

- There is evidence that the use of high-capacity semiautomatic weapons is increasing over time

Klarevas et al. (2019) examined 69 high fatality mass shootings (incidents with 6 or more fatalities, not including the perpetrator) between 1990 and 2017 (<https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2019.305311>). Their key findings were that:

- The use of LCMs by perpetrators resulted in 62% more deaths on average; and
- States with no ban on LCMs had double the rate of these shootings compared to states with an LCM ban.

On a similar note, Seigel et al (2020) found that states that banned large-capacity magazines (LCMs) between 1976 and 2018 had 38% fewer fatalities and 77% less nonfatal injuries when a mass shooting occurred (<https://pubmed.ncbi.nlm.nih.gov/33090863/>).

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

Duplicates: None

Conflicts with: 2025 HB83 (permitless carry of firearms)
HB162 (repeal firearm sale waiting period)

Companion to: None

Relates to: 2025 HB39 (juvenile record for firearm background check)
HB166 (felon in possession of firearm penalties)
SB248 (carrying a firearm while trafficking)
SB253 (felon in possession of a firearm)
SB255 (sale of firearm without background check)

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 remained the leading cause of death for children ([Gun Violence: The Impact on Society \(nihcm.org\)](#)).
 - In 2022, firearms were the leading cause of death for children (age 1-18) in New Mexico (Unpublished data, NM BVRHS)
- 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 U.S. (under 19 years old). In 2021, firearms has remained the leading cause of death for children in the U.S. ([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](#)), which

was 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 Senate Bill 279 (SB279) is not enacted, the Gas-Operated Semiautomatic Firearms Exclusion Act will not be created, and:

- Components of a gas operated semiautomatic firearm, large capacity ammunition feeding device, rapid fire device, and semiautomatic firearm will not be defined
- The import, sale, manufacture, transfer, receipt, or possession of gas-operated semiautomatic firearms will not be prohibited
- Large-capacity ammunition feeding devices will not be prohibited
- Devices that materially increase the rate of fire of a firearm or approximate the action or rate of fire of a machine gun will not be prohibited
- Machine guns and rapid fire devices will not be prohibited
- The Attorney General would not be required to list gas operated semiautomatic firearms subject to this act
- The certification of semiautomatic firearms would not be required
- Exceptions would not be provided
- Penalties would not be specified