

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 507 amends the Concealed Handgun Carry Act (NMSA 29-19-1 *et seq.*) as follows:

- removes the definitions of “caliber” and “category”;
- expands the applicant qualifications to include a lawful permanent resident and reduces the age of an applicant from twenty-one years to nineteen years;
- reduces the number of hours required for a mandatory firearms training course from fifteen hours to six hours;
- removes discretionary state authority to transfer and recognize reciprocity of concealed handgun licenses;
- creates restrictions for when a person may carry a concealed handgun;
- creates prohibitions of where a person is allowed to carry a concealed handgun;
- requires a licensee to notify the department and return a license within twenty days of acquiring a new federal and/or state firearm prohibition or when the licensee is no longer a salaried law enforcement officer;
- creates new license renewal standards and reciprocity requirements; and
- increases the penalty for the crime of Unlawful Carrying of a Deadly Weapon (NMSA 1978 Section 30-7-2) from a petty misdemeanor to a full misdemeanor offense.

SB 507 does not contain an effective date and would be effective on June 20, 2025, 90 days following adjournment of the Legislature, if signed into law.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for the statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

SB 507 lowers the minimum age for a person to obtain a concealed carry license from twenty-one years of age to nineteen. Under federal law, the Gun Control Act allows individuals between the ages of eighteen and twenty-years of age to legally purchase and possess a shotgun or rifle. It is not clear why this legislation lowers the minimum age to nineteen years of age, rather than eighteen.

SB 507 removes “discretionary state authority for the transfer, recognition or reciprocity of a concealed handgun license issued by another state”. This change appears to make New Mexico’s concealed handgun provisions align with the U.S. Supreme Court ruling in *New York State Rifle & Pistol Association Inc. v. Bruen*, 142 S. Ct. 2111 (2022), that allows states to require

applicants for concealed carry permits to meet certain objective criteria, but "may-issue" systems, which allow for arbitrary evaluations of need, are unconstitutional. It appears that SB 507 removes all reference to "discretionary" authority for granting reciprocity requests for concealed carry permits.

SB 507 defines when and how a person may carry a concealed handgun. These restrictions include:

- only carrying one concealed handgun at a given time;
- not consuming alcohol while carrying; and
- not being impaired by alcohol, controlled substances or over-the counter or prescribed medications.

It should be noted that SB 507 does not include impair by cannabis, which is no longer included in the definition of a controlled substance.

Section 6 of SB 507 requires a licensee to notify the department in writing and return a concealed carry license if any of the following occur:

1. the licensee has been adjudicated as mentally incompetent;
2. the licensee has been involuntarily committed to a facility for the treatment of mental illness;
3. the licensee has been involuntarily committed to a facility for treatment of addiction to alcohol, controlled substances or other drugs;
4. an order of protection has been issued by a court against the licensee;
5. the licensee has been indicted for or charged with a felony or disqualifying misdemeanor offense described in Subsection B of Section 29-19-4 NMSA 1978;
6. the licensee is no longer a full-time salaried law enforcement officer; or
7. the licensee is other than honorably discharged from the military

It appears that this new list of events in SB 507 attempts to mirror some criteria that renders a person prohibited under 18 U.S.C Section 921(g) from being able to possess a firearm. As drafted, two of these circumstances may create a potential conflict. Under 18 U.S.C Section 921(g)(8), federal firearm prohibitions only apply after "actual notice" was provided to the respondent and they had the opportunity to participate, or present a defense. As drafted, SB 507 would require a person to surrender their license prior to having an opportunity to present a defense to the ex parte order. Under 18 U.S.C. Section 922(n) a person under indictment for a crime punishable by more than one year imprisonment is prohibited under federal from owning or possessing a firearm. Again, as drafted, SB 507 would require a person to surrender their license prior to being found guilty of the criminal offense. If the felony charge is subsequently dismissed, without a conviction, then the individual would need to re-apply for a concealed firearm license.

PERFORMANCE IMPLICATIONS – none identified.

ADMINISTRATIVE IMPLICATIONS - none identified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP - none identified.

TECHNICAL ISSUES – none.

OTHER SUBSTANTIVE ISSUES - none identified.

ALTERNATIVES - none.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL – none.

AMENDMENTS – none.