

**LFC Requester:** \_\_\_\_\_

**AGENCY BILL ANALYSIS  
2020 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

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

Check all that apply:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** January 15, 2020  
**Bill No:** HB 113

**Sponsor:** Rehm  
**Short Title:** Felon In Possession of a Firearm

**Agency Name and Code Number:** Administrative Office of the District Attorneys 264  
**Person Writing:** Donald Gallegos  
**Phone:** 575-770-3120    **Email:** dgallegos@questalaw.

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY20	FY21	FY22		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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:

This bill seeks to amend section 30-7-16, NMSA 1978 by increasing the penalty for felon in possession of a firearm from a fourth degree felony to a third degree felony. The penalty for a third degree felony is 3 years in prison and a \$5,000.00 fine. Presently, a convicted felon is eligible to possess a firearm if 10 years have passed since the person completed serving a sentence or a period of probation. This bill would eliminate the ten-year provision making a convicted felon ineligible to possess a firearm for the rest of his life.

**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**

**Increases the penalty for being a felon in possession of a firearm from a fourth degree felony to a third degree felony.**

**Makes a convicted felon ineligible to possess a firearm for the rest of his life.**

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**there may be a conflict with the expungement statutes, section 29-3A-1 et seq., NMSA 1978**

**TECHNICAL ISSUES**

**if a felon petitions for and receives expungement of his criminal record pursuant to expungement statutes, will he then be considered a felon for purposes of the statute? Or,**

**will the person be able to legally possess a firearm?**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**status quo**

**AMENDMENTS**