

**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 114

**Sponsor:** Rehm  
**Short Title:** Unlawful Carrying of Firearm while trafficking drugs

**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:

HB 114 creates the crime of carrying a firearm while trafficking controlled substances. Penalty for conviction under this section is a third-degree felony. A third degree felony is punishable by up to 3 years in prison and a \$5,000.00 fine.

**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.

The statute with a third degree penalty may mean more resources necessary for law-enforcement, district attorneys, public defenders, courts and corrections (including jails and prisons).

**SIGNIFICANT ISSUES**

**drug traffickers almost always have weapons in their possession while they are trafficking drugs. It is also a regular occurrence that drug traffickers use firearms resulting in harm or death to others.**

**Under federal law, a person can receive an enhanced sentence of 5 years if he is convicted of trafficking drugs and has a firearm in his possession.**

**PERFORMANCE IMPLICATIONS**

**new criminal statutes may result in increased trials.**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

see 18 U.S.C. 924 (C)

**TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

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

**drug traffickers will continue to not face any consequences for being armed while they are selling drugs**

### **AMENDMENTS**