

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

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 X **Amendment**
Correction **Substitute**

Date 02/13/2013
Bill No: HB10--305

Sponsor: Rep. William "Bill" R. Rehm **Reviewing** Attorney General's Office
Short LIFETIME FIREARM BAN **Person Writing** Trevor A. Rigler, AAG
Title: FOR FELONS **Phone:** 5052229013 **Email** trigler@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis:

This bill, if enacted into law, would amend §30-7-16 NMSA (FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT, TRANSPORTATION OR POSSESSION BY A FELON—PENALTY) by removing two limiting provisions: i. the ten-year time limitation on sentences for underlying felony convictions and ii. deferred sentences as non-actionable.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

This bill could result in additional criminal matters filed in courts of jurisdiction.

SIGNIFICANT LEGAL ISSUES

The bill provides minor changes to the existing law. The first change eliminates the requirement that the completion of sentence for the underlying felony conviction be not greater than ten years old in order for a person to be charged as a felon in possession of a firearm or destructive device. The second change removes the “deferred sentence” exception to the law.

Neither change should face substantive legal challenge. There is no real basis for permitting one class of convicted felons to possess firearms or destructive devices while another class is prosecuted. Also, a deferred sentence, unlike a conditional discharge, is a criminal conviction. The proposed changes do not alter anything with regard to defendants who receive conditional discharges or executive pardons.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

SB 158 – “UNIFORM CONSEQUENCES CONVICTION ACT” (Joseph Cervantes), which would, *inter alia*, impose requirements on sentencing judges to notify defendants of certain consequences of their convictions. That bill contemplates that a felony conviction would result in a removal of a person’s right to possess a firearm.

TECHNICAL ISSUES OR DRAFTING ERROR

None

OTHER SUBSTANTIVE LEGAL ISSUES

None

ALTERNATIVES TO ENACTING THIS BILL

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None