

LFC Requester:	Eric Chenier
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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}

<i>Check all that apply:</i>			Date Prepared:	01/18/2013
Original	<input checked="" type="checkbox"/>	Amendment	Bill No:	HB137--305
Correction	<input type="checkbox"/>	Substitute		

Sponsor:	Zachary J. Cook	Reviewing Agency:	Attorney General's Office
Short Title:	CONCEALED GUNS IN LIQUOR ESTABLISHMENTS	Person Writing Analysis:	Trevor A. Rigler, AAG
		Phone: 505-222-9013	Email: trigler@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******

AGO STAFF SHOULD LEAVE SHAGED 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:

HB 137, if enacted, would amend §30-7-3 (“Unlawful carrying of a firearm in licensed liquor establishments”) to permit persons with valid concealed handgun permits to carry concealed firearms in establishments which serve alcoholic beverages for consumption on premises, irrespective of the type of beverage (for example, beer vs. “hard” liquor) and of whether the establishment also sells food for consumption on premises and what percentage of the establishment’s revenue is comprised of food vs. alcoholic beverage sales. The bill replaces the term “restaurant” with “establishment”.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

None.

SIGNIFICANT LEGAL ISSUES

The bill is narrowly drafted. Also, the bill removes confusion existing in the current state of the law regarding determining the food:alcohol ratio which would permit the carrying of concealed firearms in restaurants. The bill imposes no new burdens on permit holders, private property owners, or law enforcement personnel. Finally, the bill does not decrease the standards for obtaining, maintaining, or lawfully using a concealed carry permit. As a result, the bill will likely face no substantive legal challenge.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None.

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

None.

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

Include language from 10.8.2.27 NMAC, which requires that private property owners who wish to prohibit concealed carrying of firearms on the premises in question to comply with §30-14-6 NMSA, which clearly details the requirements for legally effective signage (as an alternative to verbal notice). This would clarify confusion about the rights and responsibilities of private property owners and concealed carry permit holders.