

LFC Requester:	Eric Chenier
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**AGENCY BILL ANALYSIS
2015 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 **Amendment**
Correction **Substitute**

Date January 22, 2015
Bill No: HB 119

Sponsor: Rep. Bill R. Rehm
Short Larceny of Firearm by Felon
Title: Penalty

Agency Code: Attorney General's Office
Person Writing Maria Sanchez-Gagne, AAG
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

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

BILL SUMMARY

Synopsis:

House Bill 119 intends to add an additional criminal provision to the larceny statute, NMSA 30-16-1, and intends to add an additional penalty provision to NMSA 30-16-1 and NMSA 30-7-16, for a felon in possession of a firearm. HB 119 creates additional penalties for a felon who steals a firearm and mandates that the existing penalty for a felon in possession of a stolen firearm be increased by one year and shall be served and not be suspended or deferred.

FISCAL IMPLICATIONS N/A

SIGNIFICANT ISSUES

HB 119 penalizes a specific classification of a person rather than assessing the criminal penalty according to the value of the property stolen, which is inconsistent with all other provisions in NMSA 30-16-1. HB 119 creates additional penalties for a felon who steals a firearm which conflicts with the language in NMSA 30-7-16 that provides it is a fourth degree felony for a felon to receive, transport, or possess any firearm in the state. It is unclear whether stealing a firearm is ‘transporting’ or ‘possessing’ a firearm. HB 119 also conflicts with NMSA 31-18-15, the sentencing authority for all level of felonies.

PERFORMANCE IMPLICATIONS N/A

ADMINISTRATIVE IMPLICATIONS N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP N/A

TECHNICAL ISSUES Proposed language ‘*the sentence imposed by this subsection shall be the first year served...*’ is ambiguous and unclear.

OTHER SUBSTANTIVE ISSUES N/A

ALTERNATIVES N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Status quo
AMENDMENTS N/A**

