

LFC Requester:	Connor Jorgensen
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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 2/7/2015
Bill No: SB 118

Sponsor: Sen. Steven P. Neville **Agency Code:** Attorney General's Office
Short Title: Concealed Carry Fingerprints and Refreshers **Person Writing:** James Torres, AAG
Title: _____ **Phone:** 827-6064 **Email:** jtorres@nmag.gov

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:

SB 118 amends and modifies requirements for the renewal of concealed handgun licensing set forth in §29-19-6 NMSA 1978. First, the proposed amendment strikes subsection (H) from the codified legislation, thus abolishing the two hour refresher firearms training course required every two years post-licensing. Second, SB 118 removes any requirement for licensees to provide fingerprints upon license renewal. Third, licenses may be renewed 90 before expiration and 90 days after expiration, as opposed to the 60 day window currently in place. Finally, pursuant to amendments proposed by the Senate Public Affairs Committee (“SPAC”), concealed carry licenses would no longer disclose the largest caliber of gun a person is licensed to carry.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

SB 118 is generally less restrictive than the codified statute it seeks to amend. Although the SPAC has amended the bill to maintain the national background check upon license renewal already in place under the current statute, SB 118 still contains the sweeping amendment removing the entirety of subsection (H) (the refresher firearms training course). Further, it is unclear how the removal of paragraph (4), subsection (C) will effect related statutory provisions. For instance, §29-19-4 requires that an applicant qualify with the largest caliber handgun for which that applicant will be licensed to carry. The enactment of SB 118 would create a disconnect between §29-19-4 and §29-19-6.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 118 shares components with SB 268, HB 189 and HB 106:

SB 268 and SB 118 propose to amend §29-19-6 nearly identically, each striking subsection (H) and removing paragraph (4), subsection (C). However, SB 268 removes all limits on the caliber and category of handgun a person may be licensed to conceal under Chapter 29, Article 19

HB 189 and SB 118 each propose to strike subsection (H) from §29-19-6. However, HB 189 does not amend subsection (F) to allow for license renewal up to 90 days before expiration, nor does it allow for renewal 90 days after license expiration. Further, HB 189 leaves paragraph (4), subsection (C) intact.

HB 106 is essentially a mirror image of what SB 118 was prior to the SPAC amendments.

TECHNICAL ISSUES

Addressed above

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

On February 6, 2015, the Senate Public Affairs Committee recommended passing SB 118 with the following amendments:

1. Paragraph (4) of subsection (C) will be stricken, removing disclosure of the largest caliber handgun a person is licensed to carry from the physical license;
2. Subsection (G) will be reverted back to its current form, requiring a national background check upon license renewal.

Removing the disclosure of the largest caliber handgun a person a person is licensed to carry from the physical license ostensibly has no impact on an individual's qualification process and requirements, however opponents of the amendment will argue that it renders the reasoning behind the actual carrying of a license null because non-compliance would not be immediately apparent from a license check thus creating a disconnect between the need to qualify with the largest caliber handgun but not disclose it on a license.