

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	<input type="checkbox"/>	Amendment	<input checked="" type="checkbox"/>	Date	<u>1/29/2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>SB 268</u>

Sponsor:	<u>Sen. Clemente Sanchez</u>	Agency Code:	<u>Attorney General's Office</u>
Short Title:	<u>Concealed Carry Licenses and Changes</u>	Person Writing	<u>James Torres, AAG</u>
		Phone:	<u>827-6064</u>
		Email	<u>jtorres@nmag.gov</u>

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 268 amends and modifies various aspects of the Concealed Handgun Carry Act (“Act”). First, the proposed amendment strikes all references to “caliber” and “category” from the entirety of the Act. Second, 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. Third, SB 268 increases the time during which a concealed carry license is valid from four to five years. Fourth, with regard to law enforcement, this bill proposes to remove the requirement for those retired over 10 years to complete a firearms training course. Finally, this bill proposes to add a section to the Act exempting military personnel from the licensing application or renewal fee, as well as a general exemption from a firearms training course.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Statutory Interpretation

SB 268 is generally less restrictive than the codified statute it seeks to amend. Beyond the sweeping amendment removing the entirety of subsection (H) (the refresher firearms training course), the proposed legislation removes all limits on the caliber (the diameter of the bore of a handgun) and category (non-semiautomatic vs. semiautomatic) of handgun a person may conceal. Thus, a person may use a non-semiautomatic handgun of the smallest possible caliber to qualify during a firearms training course and go on to conceal a semiautomatic handgun of the largest caliber.

SB 268 proposes amending §29-19-14(E)(2) of the Act to include within the definition of “law enforcement officer” a person who retired with at least 15 years’ employment. It appears that such a person would never have to take a firearms training course to qualify or re-qualify for a concealed carry license. Similarly, proposed section 6 seemingly provides that any current serving member or recipient of an honorable discharge from the military would never have to qualify or re-qualify for a concealed carry license by taking a firearms training course.

See “Conflict, Duplication, Companionship, Relation” for further analysis.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Both SB 268 and SB 118 propose to amend §29-19-6 NMSA 1978. Both proposals strike subsection (H) from the codified legislation – thus abolishing the two hour refresher firearms training course required every two years post-licensing. However, SB 268 maintains the national criminal records check upon renewal of a concealed carry license, whereas SB 118 removes this language, instead requiring the department of public safety to “update the criminal records check of a licensee.” Further, SB 118 maintains caliber and category licensing requirements.

Both SB 268 and SB 189 propose to amend §29-19-3 NMSA 1978 identically – increasing the time during which a concealed carry license is valid from four to five years. SB 268 and SB 189 also propose to strike subsection (H) from §29-19-6. *See Supra*. However, SB 189 maintains licensing requirements with regard to category and caliber of handgun.

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