

<b>LFC Requester:</b>	
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

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*{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** February 8, 2015  
**Bill No:** SB 495

**Sponsor:** Sen. Pete Campos  
**Short Title:** Prohibit Firearm Possession by Some Offenders

**Agency Code:** Attorney General's Office  
**Person Writing:** Maria Sanchez-Gagne, AAG  
**Phone:** 505-827-6716    **Email:** msanchez@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)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to: Federal Law 18 USCA § 922

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 495 adds a new section to the Crimes Against Household Members Act to prohibit persons convicted of a misdemeanor crime of domestic violence from receiving, transporting or possessing firearms and mandates terms the court should follow for transfer of firearms owned by the person. SB 495 adds new language to Section 30-3-12, Assault against a Household Member; Section 30-3-15, Battery Against a Household Member; Section 30-9-12, Misdemeanor Criminal Sexual Contact; and Section 30-20-1, Disorderly Conduct to prohibit those convicted of committing the crime against a household member from receiving, transporting or possessing firearms. SB 495 amends Section 30-7-16 to include those convicted of a misdemeanor crime of domestic violence or subject to a domestic violence order of protection from receiving, transporting or possessing any firearm or destructive device. SB 495 adds language to Section 40-13-5 to grant courts the authority to prohibit the restrained party from receiving, transporting or possessing any firearm or destructive device and requires transfer of any firearms the restrained party may own. Also adds a new section providing the requirements for transfer of firearms by a person subject to an order of protection.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

Current law in Section 30-7-16 prohibits felons from receiving, transporting or possessing any firearm or destructive device. For a violation of 30-7-16, the penalty is a fourth degree felony. SB 495 proposes to add misdemeanor crimes related to household members as well as those party to an order of protection. As proposed a person convicted of a misdemeanor may be charged with a fourth degree felony for violation of 30-7-16, imposing a greater penalty than the underlying crime of a misdemeanor. A restrained party may not have committed any misdemeanor domestic violence crimes or criminal sexual conduct or disorderly conduct that has been charged and may still incur a felony penalty if in violation of 30-7-16.

Federal law already restricts those either convicted of misdemeanor crimes of domestic abuse or subject to a domestic order of protection from owning or possessing firearms or ammunition under 18 USCA § 922(d)(8). However, there is not a mechanism providing for the transfer of these firearms from a restrained party, as is written in SB 495.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**Status quo**

**AMENDMENTS**

N/A