

LFC Requester:	Theresa Rogers
-----------------------	-----------------------

**AGENCY BILL ANALYSIS
2016 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 checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>Jan. 26, 2016</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>SB 200</u>

Sponsor:	<u>Sen. Michael Sanchez</u>	Agency Code:	<u>305</u>
Short Title:	<u>Suspension of Concealed Handgun Licenses</u>	Person Writing	<u>Patricia Padrino Tucker, AAG</u>
		Phone:	<u>505-222-9082</u>
		Email	<u>ptucker@nmag.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	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

BILL SUMMARY

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.

Synopsis: SB 200 amends Section 29-19-6 of the Act to include felony and various misdemeanor convictions, and the sentences stemming from those convictions as listed in the bill, as additional circumstances under which a concealed handgun license shall be suspended or revoked.

FISCAL IMPLICATIONS

No fiscal implications.

SIGNIFICANT ISSUES

SB 200 requires that a concealed handgun license be suspended or revoked when a licensee is given a conditional discharge, a diversion or deferment or is convicted of, pleads guilty to or enters a plea of nolo contendere to a misdemeanor offense involving a crime of violence. Of the additional instances requiring suspension or revocation, this is the only item which specifies the type of sentence that may accompany the conviction. The other items appear to require suspension or revocation simply for conviction. This may cause some confusion regarding when the suspension or revocation is triggered, since a conditional discharge and diversion are not considered convictions.

SB 200 does not conflict with federal law, which requires among other things that any convicted felon lose his or her right to bear arms. In addition, many states have enacted even more restrictive gun laws implicating an individual’s right to bear arms. However, the New Mexico Supreme Court has ruled that “upon the satisfactory completion of all conditions for a deferred sentence and the resulting dismissal of all charges, New Mexico restores a person’s civil rights...by operation of law without the necessity of a pardon or certificate from the governor.” *U.S. v. Reese*, 2014-NMSC-013, 326 P.3d 454. Those civil rights include an individual’s 2nd Amendment right to bear arms. The amendments to the concealed handgun license law do not directly prevent an individual from bearing arms, since an individual may still carry a weapon without a concealed handgun license, but they do place certain limitations on that right.

There also do not appear to be specific instructions within the Act or the amendments that describe the parameters of the suspension or revocation as applicable to the amendments, such as whether a suspension or revocation applies, under what circumstances, the length of time it

would apply, the factors to consider, etc. This may cause inconsistency in the way in which the amendments are enforced.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

One alternative would be to include a provision regarding sentencing that addressed all possible sentences for each type of conviction listed in the additional circumstances for suspension or revocation.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS