



Office of the Governor

MICHELLE LUJAN GRISHAM

Juvenile Record in Firearm Background Checks

House Bill 39

Sponsors: Representatives Cates, Little, and Caballero

OVERVIEW

House Bill 39 is designed to expand the consideration of juvenile records when it comes to adult firearm possession and background checks. In essence, the bill closes a gap by ensuring that serious juvenile offenses involving firearms are considered when assessing an individual's eligibility to possess a firearm as an adult, for a certain amount of time. This is intended to prevent individuals, with a history of violent behavior as juveniles, from legally obtaining firearms in the future.

WHY NOW?

- Only 1.5% of cases in New Mexico are filed in federal court; 95.5% of cases are handled in state court, making this a critical issue for state-level action.
- Since September 2023, when a state public health emergency was declared related to gun violence, more than 340 juveniles have been charged and detained for gun-related crimes. This means two out of every three days, a child in New Mexico is charged with a gun-related offense.
- The bill does not aim to reduce opportunities for young people to pursue college or employment; Rather, it focuses on background checks at the point of sale and determining who is a prohibited person, along with the duration of that prohibition.

COMMUNITY SUPPORT

"We are the families of victims of homicide, and we are in support of this bill because there are consequences for juveniles in here. This generation of minors is unfortunately violent and quick to kill over anything minor. This is my third year, and every year, we seem to blame the gun and take away accountability. Without consequences, all we have is chaos." -Alicia Otero, Co-Founder for New Mexico Crusaders for Justice.

"I've been doing this job for 20 years. New Mexico State Police does support this legislation as it will enhance public safety, by restricting firearm access for individuals with a history of juvenile firearm-related delinquencies. It supports law enforcement and judicial goals of crime prevention and ensures a robust background check system." -Major Emmanuel Gutierrez, New Mexico State Police.

BOTTOM LINE

Not acting on this bill will allow the gun violence problem to worsen in New Mexico, further endangering public safety.