

LFC Requester: Liu



**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 1/22/2025
Bill No: HB31

Agency Name and Code: PED - 924

Sponsor: Garratt

PED Lead Analyst: Jacqueline Sanchez
Phone: (505) 372-8810 **Email:** jacqueline.sanchez@ped.nm.gov

Short Title: FOURTH DEGREE FELONY FOR SHOOTING THREAT

PED Policy Director: Denise Terrazas
Phone: (505) 470-5303 **Email:** denise.terrazas@ped.nm.gov

SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	NFA

Duplicates/Relates to Appropriation in the [General Appropriation Act](#): None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 31 (HB31) would amend [Section 30-20-16 NMSA 1978](#) to change the penalty for committing a shooting threat from a misdemeanor to a fourth degree felony.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

A fourth degree felony may carry a fine up to \$5,000.

SIGNIFICANT ISSUES

A fourth degree felony carries a basic sentence of 18 months incarceration.

In 2024, [a number of schools](#) across New Mexico received shooting threats, including schools in Albuquerque, Las Cruces, Pojoaque, Raton, Rio Rancho, and Taos. [As of 2024](#), New Mexico ranked fourth in incidents of gun violence across the U.S. As of 2022, firearms were the [leading cause of death](#) among children in the state.

A [2023 study of K-12 shooting threats](#) by the American Psychological Association showed that the majority of those who make shooting threats to schools are juvenile males. In 40 percent of these cases, it was unclear if the threat was credible. Accordingly, HB31 may disproportionately impact juvenile offenders. Evidence suggests that restorative practices are more effective than punitive measures in addressing juvenile infractions. As an alternative to penal measures, research from the [Learning Policy Institute](#) published in 2023 points to restorative practices as an effective way to handle serious infractions, and these practices have contributed to improving academic outcomes, reducing disciplinary incidents, and an improved climate of school safety. Restorative practices can include prevention, restorative justice, mental health support, and threat assessment models.

PERFORMANCE IMPLICATIONS

The threat of gun violence has significant negative impacts on school staff, parents, and students, including the possibility of post traumatic stress disorder and anxiety. A decrease in threats has the potential to create safer school environments across the state.

ADMINISTRATIVE IMPLICATIONS

None for PED.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to Senate Bill 18 Crime of Swatting, which proposes to create the crime of swatting as a

fourth degree felony and elevating a shooting threat from a misdemeanor to a fourth degree felony.

Relates to House Bill 134, Delinquency Act Changes, which proposes multiple amendments to the that act.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.