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SENATE BILL 428

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO CONCEALED HANDGUNS; PROVIDING FOR A CONCEALED  
HANDGUN LICENSEE TO CARRY A CONCEALED HANDGUN ANYWHERE AND AT  
ANY TIME SUBJECT TO CERTAIN EXCEPTIONS AND LIMITATIONS;  
AMENDING SECTIONS OF THE CRIMINAL CODE PERTAINING TO THE  
UNLAWFUL CARRYING OF DEADLY WEAPONS AND FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 29-19-8 NMSA 1978 (being Laws 2003,  
Chapter 255, Section 8) is amended to read:

"29-19-8. [~~LIMITATION ON~~] USE OF LICENSE--EXCEPTIONS AND  
LIMITATIONS.--

A. A licensee in possession of a valid concealed  
handgun license issued or recognized by the department pursuant  
to the Concealed Handgun Carry Act may carry a concealed  
handgun anywhere in the state at any time except:

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1                   (1) into or on premises where the owner,  
2 manager, person or governmental entity in possession or a  
3 person or governmental entity with authority over the premises  
4 has posted a sign in a conspicuous location at each public  
5 entrance to the premises, or if the premises are undeveloped  
6 real property or real property without structures, has posted  
7 signs pursuant to Section 30-14-6 NMSA 1978, prohibiting the  
8 carrying of a concealed handgun into or on the premises;

9                   (2) if the licensee has an alcohol  
10 concentration of four one hundredths or more in the licensee's  
11 blood or breath;

12                   (3) while consuming alcoholic beverages; or

13                   (4) as otherwise provided in the Concealed  
14 Handgun Carry Act.

15                   [A.] B. Nothing in the Concealed Handgun Carry Act  
16 shall be construed as allowing a licensee in possession of a  
17 valid concealed handgun license to carry a concealed handgun  
18 into or on premises where to do so would be in violation of  
19 state or federal law.

20                   ~~[B. Nothing in the Concealed Handgun Carry Act~~  
21 ~~shall be construed as allowing a licensee in possession of a~~  
22 ~~valid concealed handgun license to carry a concealed handgun on~~  
23 ~~school premises, as provided in Section 30-7-2.1 NMSA 1978.~~

24                   ~~G.~~ Nothing in the Concealed Handgun Carry Act shall  
25 be construed as allowing a licensee in possession of a valid

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1 ~~concealed handgun license to carry a concealed handgun on the~~  
2 ~~premises of a preschool.]"~~

3 SECTION 2. Section 30-7-2 NMSA 1978 (being Laws 1963,  
4 Chapter 303, Section 7-2, as amended) is amended to read:

5 "30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON.--

6 A. Unlawful carrying of a deadly weapon consists of  
7 carrying a concealed loaded firearm or any other type of deadly  
8 weapon anywhere, except in the following cases:

9 (1) in the person's residence or on real  
10 property belonging to ~~[him]~~ the person as owner, lessee, tenant  
11 or licensee;

12 (2) in a private automobile or other private  
13 means of conveyance, for lawful protection of the person's or  
14 another's person or property;

15 (3) by a peace officer in accordance with the  
16 policies of ~~[his]~~ the peace officer's law enforcement agency  
17 who is certified pursuant to the Law Enforcement Training Act;

18 (4) by a peace officer in accordance with the  
19 policies of ~~[his]~~ the peace officer's law enforcement agency  
20 who is employed on a temporary basis by that agency and who has  
21 successfully completed a course of firearms instruction  
22 prescribed by the New Mexico law enforcement academy or  
23 provided by a certified firearms instructor who is employed on  
24 a permanent basis by a law enforcement agency; or

25 (5) by a person in possession of a valid

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1 concealed handgun license issued [~~to him~~] or recognized by the  
2 department of public safety pursuant to the provisions of the  
3 Concealed Handgun Carry Act.

4 B. Nothing in this section shall be construed to  
5 prevent the carrying of any unloaded firearm.

6 C. Whoever commits unlawful carrying of a deadly  
7 weapon is guilty of a petty misdemeanor."

8 SECTION 3. Section 30-7-2.1 NMSA 1978 (being Laws 1987,  
9 Chapter 232, Section 1, as amended) is amended to read:

10 "30-7-2.1. UNLAWFUL CARRYING OF A DEADLY WEAPON ON SCHOOL  
11 PREMISES.--

12 A. Unlawful carrying of a deadly weapon on school  
13 premises consists of carrying a deadly weapon on school  
14 premises except by:

15 (1) a peace officer;

16 (2) school security personnel;

17 (3) a student, instructor or other

18 school-authorized personnel engaged in army, navy, marine corps  
19 or air force reserve officer training corps programs or  
20 state-authorized hunter safety training instruction;

21 (4) a person conducting or participating in a  
22 school-approved program, class or other activity involving the  
23 carrying of a deadly weapon; [~~or~~]

24 (5) a person carrying a concealed handgun and  
25 in possession of a valid concealed handgun license issued or

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1 recognized by the department of public safety pursuant to the  
2 Concealed Handgun Carry Act, unless signs have been posted  
3 pursuant to Section 29-19-8 NMSA 1978 prohibiting the carrying  
4 of concealed handguns on the school premises; or

5 [~~5~~] (6) a person older than nineteen years  
6 of age on school premises in a private automobile or other  
7 private means of conveyance, for lawful protection of the  
8 person's or another's person or property.

9 B. As used in this section, "school premises"  
10 means:

11 (1) the buildings and grounds, including  
12 playgrounds, playing fields and parking areas and any school  
13 bus of any public preschool or elementary, secondary, junior  
14 high or high school, in or on which school or school-related  
15 activities are being operated under the supervision of a local  
16 school board or, for public preschools, under the supervision  
17 of the children, youth and families department and the public  
18 education department acting jointly; or

19 (2) any other public buildings or grounds,  
20 including playing fields and parking areas that are not public  
21 school property, in or on which public school-related and  
22 sanctioned activities are being performed.

23 C. Whoever commits unlawful carrying of a deadly  
24 weapon on school premises is guilty of a fourth degree felony."

25 SECTION 4. Section 30-7-2.4 NMSA 1978 (being Laws 2003,

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1 Chapter 253, Section 1) is amended to read:

2 "30-7-2.4. UNLAWFUL CARRYING OF A FIREARM ON UNIVERSITY  
3 PREMISES--NOTICE--PENALTY.--

4 A. Unlawful carrying of a firearm on university  
5 premises consists of carrying a firearm on university premises  
6 except by:

- 7 (1) a peace officer;
- 8 (2) university security personnel;
- 9 (3) a student, instructor or other  
10 university-authorized personnel who are engaged in army, navy,  
11 marine corps or air force reserve officer training corps  
12 programs or a state-authorized hunter safety training program;

13 (4) a person conducting or participating in a  
14 university-approved program, class or other activity involving  
15 the carrying of a firearm; [~~or~~]

16 (5) a person in possession of a valid  
17 concealed handgun license issued or recognized by the  
18 department of public safety pursuant to the Concealed Handgun  
19 Carry Act unless signs have been posted pursuant to Section  
20 29-19-8 NMSA 1978 prohibiting the carrying of concealed  
21 handguns on the university premises; or

22 [~~(5)~~] (6) a person older than nineteen years  
23 of age on university premises in a private automobile or other  
24 private means of conveyance, for lawful protection of the  
25 person's or another's person or property.

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1           B. Except as otherwise provided for concealed  
2 handguns in Paragraph (5) of Subsection A of this section, a  
3 university shall conspicuously post notices on university  
4 premises that state that it is unlawful to carry a firearm on  
5 university premises.

6           C. As used in this section:

7                   (1) "university" means a baccalaureate degree-  
8 granting post-secondary educational institution, a community  
9 college, a branch community college, a technical-vocational  
10 institute and an area vocational school; and

11                   (2) "university premises" means:

12                           (a) the buildings and grounds of a  
13 university, including playing fields and parking areas of a  
14 university, in or on which university or university-related  
15 activities are conducted; or

16                           (b) any other public buildings or  
17 grounds, including playing fields and parking areas that are  
18 not university property, in or on which university-related and  
19 sanctioned activities are performed.

20           D. Whoever commits unlawful carrying of a firearm  
21 on university premises is guilty of a petty misdemeanor."

22           SECTION 5. Section 30-7-3 NMSA 1978 (being Laws 1975,  
23 Chapter 149, Section 1, as amended) is amended to read:

24           "30-7-3. UNLAWFUL CARRYING OF A FIREARM IN LICENSED  
25 LIQUOR ESTABLISHMENTS.--

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1           A. Unlawful carrying of a firearm in an  
2 establishment licensed to dispense alcoholic beverages consists  
3 of carrying a loaded or unloaded firearm on any premises  
4 licensed by the regulation and licensing department for the  
5 dispensing of alcoholic beverages except:

6                   (1) by a law enforcement officer in the lawful  
7 discharge of the officer's duties;

8                   (2) by a law enforcement officer who is  
9 certified pursuant to the Law Enforcement Training Act acting  
10 in accordance with the policies of the officer's law  
11 enforcement agency;

12                   (3) by the owner, lessee, tenant or operator  
13 of the licensed premises or the owner's, lessee's, tenant's or  
14 operator's agents, including privately employed security  
15 personnel during the performance of their duties;

16                   (4) by a person carrying a concealed handgun  
17 who is in possession of a valid concealed handgun license for  
18 that gun issued or recognized by the department of public  
19 safety pursuant to the Concealed Handgun Carry Act, unless  
20 signs have been posted pursuant to Section 29-19-8 NMSA 1978  
21 prohibiting the carrying of concealed handguns on the licensed  
22 premises ~~of:~~

23                                   ~~(a) a licensed establishment that does~~  
24 ~~not sell alcoholic beverages for consumption on the premises;~~  
25 ~~or~~

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