

1 HOUSE BILL 129

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Andrea Romero and Dayan Hochman-Vigil and Cristina Parajón and  
5 Linda M. López and Joseph Cervantes  
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10 AN ACT

11 RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL SALE OF A  
12 FIREARM BEFORE THE REQUIRED WAITING PERIOD ENDS; REQUIRING A  
13 FOURTEEN-DAY WAITING PERIOD WHEN CONDUCTING THE SALE OF A  
14 FIREARM; PROVIDING AN EXCEPTION; PRESCRIBING PENALTIES.  
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new Section 30-7-7.3 NMSA 1978 is enacted to  
18 read:

19 "30-7-7.3. [NEW MATERIAL] UNLAWFUL SALE OF A FIREARM  
20 BEFORE REQUIRED WAITING PERIOD ENDS.--

21 A. In addition to the crime created in Section  
22 30-7-7.1 NMSA 1978, a required waiting period of fourteen  
23 business days shall be required for the sale of a firearm and  
24 the transfer of the firearm to the buyer. The fourteen-  
25 business-day waiting period shall include the period required

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1 to conduct a federal instant background check; provided that,  
2 if the fourteen-business-day waiting period has expired without  
3 the completion of a required federal instant background check,  
4 the seller shall not transfer the firearm to the buyer until  
5 the federal instant background check is completed.

6 B. The firearm shall remain in the custody of the  
7 seller during the entirety of the waiting period.

8 C. Unlawful sale of a firearm before the required  
9 waiting period ends consists of the transfer of ownership,  
10 possession or physical control of the firearm from the seller  
11 to the buyer before the end of the required fourteen-business-  
12 day waiting period or, if required, before the completion of  
13 the required federal instant background check.

14 D. Each party to an unlawful sale of a firearm  
15 before the required waiting period ends is in violation of this  
16 section and may be separately charged for the same sale.

17 E. Each firearm sold contrary to the provisions of  
18 this section constitutes a separate offense under Subsection C  
19 of this section.

20 F. Two or more offenses may be charged in the same  
21 complaint, information or indictment and shall be punished as  
22 separate offenses.

23 G. Whoever violates the provisions of this section  
24 is guilty of a misdemeanor.

25 H. Records of firearm sales shall be made available

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1 by the seller for inspection upon request of a law enforcement  
2 agency.

3 I. The provisions of this section do not apply to  
4 the sale of a firearm between immediate family members to the  
5 third degree of consanguinity."

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