

1 HOUSE BILL 566

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Stefani Lord and Jimmy G. Mason and John Block
5 and William A. Hall II and Harlan Vincent
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10 AN ACT

11 RELATING TO FIREARMS; PROVIDING THAT THE REQUIRED WAITING
12 PERIOD FOR THE SALE OF FIREARMS DOES NOT APPLY TO A BUYER WHO
13 IS NOT DISQUALIFIED FROM POSSESSING A FIREARM AND WHO IS A
14 CERTIFIED LAW ENFORCEMENT OFFICER, A FORMER OR RETIRED
15 CERTIFIED LAW ENFORCEMENT OFFICER, A COMMISSIONED LAW
16 ENFORCEMENT OFFICER OR A LAW ENFORCEMENT OFFICER OF AN INDIAN
17 NATION, TRIBE OR PUEBLO.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 30-7-7.3 NMSA 1978 (being Laws 2024,
21 Chapter 46, Section 1) is amended to read:

22 "30-7-7.3. UNLAWFUL SALE OF A FIREARM BEFORE REQUIRED
23 WAITING PERIOD ENDS.--

24 A. A waiting period of seven calendar days shall be
25 required for the sale of a firearm and the transfer of the

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1 firearm to the buyer. The seven-calendar-day waiting period
2 shall include the period required to conduct a federal instant
3 background check; provided that, if the seven-calendar-day
4 waiting period has expired without the completion of a required
5 federal instant background check, the seller shall not transfer
6 the firearm to the buyer until the federal instant background
7 check is completed. If the required federal instant background
8 check has not been completed within twenty days, the seller may
9 transfer the firearm to the buyer.

10 B. The firearm shall remain in the custody of the
11 seller or the federal firearms licensee performing the federal
12 instant background check during the entirety of the waiting
13 period.

14 C. Unlawful sale of a firearm before the required
15 waiting period ends consists of the transfer of ownership,
16 possession or physical control of the firearm from the seller
17 to the buyer before the end of the required seven-calendar-day
18 waiting period, but does not include temporary possession or
19 control of a firearm provided to a customer by the proprietor
20 of a licensed business in the conduct of that business.

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

24 E. Each firearm sold contrary to the provisions of
25 this section constitutes a separate offense under Subsection C

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1 of this section.

2 F. Two or more offenses may be charged in the same
3 complaint, information or indictment and shall be punished as
4 separate offenses.

5 G. Whoever violates the provisions of this section
6 is guilty of a misdemeanor.

7 H. The provisions of this section do not apply to
8 the sale of a firearm:

9 (1) to a buyer who holds a valid federal
10 firearms license;

11 (2) to a buyer who holds a valid New Mexico
12 concealed handgun license pursuant to the Concealed Handgun
13 Carry Act;

14 (3) to a law enforcement agency;

15 (4) between two law enforcement officers
16 authorized to carry a firearm and certified pursuant to federal
17 law or the Law Enforcement Training Act; [Ø]

18 (5) to a buyer who is not by action of law
19 permanently disqualified from possessing a firearm and who is
20 a:

21 (a) law enforcement officer authorized
22 to carry a firearm and certified pursuant to federal law or the
23 Law Enforcement Training Act;

24 (b) former or retired law enforcement
25 officer who was authorized to carry a firearm and certified

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1 pursuant to federal law or the Law Enforcement Training Act;

2 (c) commissioned law enforcement officer
3 who has the power to arrest while performing the officer's
4 official duties; or

5 (d) law enforcement officer of an Indian
6 nation, tribe or pueblo who is authorized to carry a firearm;
7 or

8 [~~5~~] (6) between immediate family members.

9 I. As used in this section:

10 (1) "firearm" means any weapon that will or is
11 designed to or may readily be converted to expel a projectile
12 by the action of an explosion; the frame or receiver of any
13 such weapon; and includes any handgun, rifle or shotgun; but
14 shall not include an antique firearm as defined in 18 U.S.C.
15 Section 921(16), a powder-actuated tool or other device
16 designed to be used for construction purposes, an emergency
17 flare or a firearm in permanently inoperable condition; and

18 (2) "immediate family member" means a spouse,
19 a parent, a child, a sibling, a grandparent, a grandchild, a
20 great-grandchild, a niece, a nephew, a first cousin, an aunt or
21 an uncle."