

FIREARMS PRESENTATION

COURTS CORRECTIONS & JUSTICE COMMITTEE

INTRODUCTION

- JASON BOWIE, CABINET SECRETARY DEPARTMENT OF PUBLIC SAFETY
- THE REQUEST AND SCOPE OF THE DISCUSSION
- MY EXPERIENCE RELATIVE TO THIS SUBJECT
- WHAT I AM NOT

OBJECTIVES

- PROVIDE AN UNDERSTANDING OF FIREARMS AND THEIR OPERATION
- PROVIDE AN UNDERSTANDING OF FEDERAL BACKGROUND CHECKS
- REVIEW PROGRESS AND SUCCESS IN NM LEGISLATION
- Q&A

WHAT IS A FIREARM?

ANY WEAPON WHICH WILL OR IS DESIGNED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSION, BY THE FRAME OR RECEIVER OF ANY SUCH WEAPON, ANY FIREARM MUFFLER OR FIREARM SILENCER, OR ANY DESTRUCTIVE DEVICE. (ATF.GOV)

WHAT IS A RECEIVER

- (ATF.GOV) IDENTIFIES ONLY ONE PART OF A FIREARM TO BE THE “FRAME” OR “RECEIVER” THAT REQUIRES A SERIAL NUMBER. IT IS THE PART THAT PROVIDES HOUSING OR A STRUCTURE FOR ONE SPECIFIC, PRIMARY FIRE CONTROL COMPONENT OF WEAPONS THAT EXPEL A PROJECTILE; OR ONE SPECIFIC, PRIMARY INTERNAL SOUND REDUCTION COMPONENT OF FIREARM MUFFLERS OR SILENCERS.

PISTOL AND RIFLE RECEIVERS



CATEGORY OF FIREARMS

- THERE ARE MANY TYPES OF GUNS. MOST ARE SPLIT INTO TWO GENERAL CATEGORIES, HANDGUNS AND LONG GUNS.
- AS A GENERAL RULE, HANDGUNS USE A SMALLER CALIBER AMMUNITION THAN THEIR LARGER COUNTERPARTS AND HAVE A SHORTER BARREL.
- LONG GUNS FIRE LARGER CALIBER ROUNDS FROM LONGER BARRELS AND ARE MEANT TO BE FIRED FROM THE SHOULDER.
- FOR THE PURPOSE OF THIS DISCUSSION: A FIREARM IS A PISTOL, SHOTGUN, OR A RIFLE

ACTION (OF THE FIREARM)

THE PART OF A FIREARM THAT LOADS, FIRES, AND EJECTS A CARTRIDGE. (SIMPLIFIED)

- THIS INCLUDES:
 - LEVER ACTION
 - BOLT ACTION
 - PUMP ACTION (SLIDE)
 - BREAK ACTION (HINGE)
 - SELF-LOADING (SEMI-AUTOMATIC AND AUTOMATIC)

FIREARMS THAT CAN SHOOT MULTIPLE ROUNDS ("REPEATERS") INCLUDE ALL THESE TYPES OF ACTIONS, BUT ONLY THE SEMIAUTOMATIC AND AUTOMATIC DOES NOT REQUIRE MANUAL OPERATION BETWEEN ROUNDS. SEMI-AUTOMATIC ACTION (SELF-LOADING) IS UTILIZED IN THE DESIGN AND FUNCTION OF RIFLES, SHOTGUNS, AND PISTOLS.

AUTOMATIC IS FOUND IN MACHINE GUNS ONLY.

CALIBER AND GAUGE OF AMMUNITION

CALIBER IS USED TO DESCRIBE THE SIZE OF A RIFLE OR HANDGUN BORE AND THE SIZE OF CARTRIDGES DESIGNED FOR DIFFERENT BORES.

GAUGE, USED TO DESCRIBE SHOTGUNS, IS DETERMINED BY THE NUMBER OF LEAD BALLS OF SIZE EQUAL TO THE APPROXIMATE DIAMETER OF THE BORE THAT IT TAKES TO WEIGH ONE POUND.



WHAT'S THE DIFFERENCE BETWEEN AUTOMATIC AND SEMI-AUTOMATIC FIREARM?

SEMI-AUTOMATIC

- A SEMIAUTOMATIC WEAPON FIRES ONE SHOT EVERY TIME THE TRIGGER IS PULLED.
 - SAFETY SELECTOR (SAFE OR FIRE)
 - 1885 – THE FIRST SUCCESSFUL DESIGN FOR A SEMI-AUTOMATIC RIFLE IS ATTRIBUTED TO AUSTRIA-BORN GUNSMITH FERDINAND RITTER VON MANNLICHER.
 - BY THE EARLY 20TH CENTURY, MANY MANUFACTURERS HAD INTRODUCED SEMI-AUTOMATIC SHOTGUNS, RIFLES AND PISTOLS.
 - 1932 – UNITED STATES, SPRING FIELD ARMORY M1 GARAND

WHAT'S THE DIFFERENCE BETWEEN AUTOMATIC AND SEMI-AUTOMATIC FIREARM? (CONTINUED)

AUTOMATIC

- AN AUTOMATIC WEAPON FIRES CONTINUALLY UNTIL THE TRIGGER IS RELEASED.
 - 1884 – INVENTED BY HIRAM MAXIM – CAME INTO USE IN SUCH CONFLICTS AS THE BOER WAR AND THE SPANISH AMERICAN WAR. HEAVY MOUNTED MACHINE GUN.
 - LIGHTER PERSONAL CARRY MACHINE GUNS WOULD FOLLOW IN THE EARLY 1900s.
 - MODERN AUTOMATIC WEAPONS HAVE A SELECTOR SWITCH
 - SEMI-AUTOMATIC AND 3-ROUND BURST (M4)
 - SEMI-AUTOMATIC AND FULL AUTO (M4A1)

TYPES OF MACHINE GUNS

GENERAL USE AND CHARACTERISTICS

- SUB-MACHINE GUN (DESIGNED TO FIRE HANDGUN CARTRIDGES)
- AUTOMATIC RIFLE OR CARBINE
 - MILITARY PERSONAL CARRY RIFLE. GENERALLY DESIGNED FOR SHORT BURSTS RATHER THAN CONTINUES FIRE.
 - SEMI-AUTOMATIC AND 3-ROUND BURST (M4)
 - SEMI-AUTOMATIC AND FULL AUTO (M4A1)
- LIGHT MACHINE GUN (MILITARY INFANTRY PORTABLE – PROVIDES SQUAD LEVEL SUPPORT)
- MEDIUM MACHINE GUN (MILITARY PORTABLE – CUMBERSOME ENOUGH TO REQUIRE A CREW FOR OPTIMAL OPERATIONAL EFFICIENCY)
- HEAVY MACHINE GUN (HIGH VOLUME OF SUSTAINED FIRE, WATER COOLED, HEAVY, FIXED POSITION MOUNTED)

MACHINE GUNS ARE HEAVILY RESTRICTED AND NOT GENERALLY AVAILABLE TO THE PUBLIC

NATIONAL FIREARMS ACT 1934

- THE NFA WAS ORIGINALLY ENACTED IN 1934.
- IMPOSED A TAX ON THE MAKING AND TRANSFER OF FIREARMS DEFINED BY THE ACT
- IMPOSED A SPECIAL (OCCUPATIONAL) TAX ON PERSONS AND ENTITIES ENGAGED IN THE BUSINESS OF IMPORTING, MANUFACTURING, AND DEALING IN NFA FIREARMS.
- THE LAW ALSO REQUIRED THE REGISTRATION OF ALL NFA FIREARMS WITH THE SECRETARY OF THE TREASURY.
- THE ACT INCLUDED SHOTGUNS AND RIFLES HAVING BARRELS LESS THAN 18 INCHES IN LENGTH, CERTAIN FIREARMS DESCRIBED AS “ANY OTHER WEAPONS,” MACHINE GUNS, AND FIREARM MUFFLERS AND SILENCERS.
- AS STRUCTURED IN 1934, THE NFA IMPOSED A DUTY ON PERSONS TRANSFERRING NFA FIREARMS, AS WELL AS MERE POSSESSORS OF UNREGISTERED FIREARMS, TO REGISTER THEM WITH THE SECRETARY OF THE TREASURY.

TITLE II OF THE GUN CONTROL ACT (GCA) OF 1968

- HAYNES v. UNITED STATES, 390 U.S. 85 (1968). NFA VIOLATED THE PRIVILEGE FROM SELF-INCRIMINATION UNDER THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION
- TITLE II AMENDED THE NFA TO CURE THE CONSTITUTIONAL FLAW POINTED OUT IN HAYNES. THE REQUIREMENT FOR POSSESSORS OF UNREGISTERED FIREARMS TO REGISTER WAS REMOVED.
- UNDER THE AMENDED LAW, THERE IS NO MECHANISM FOR A POSSESSOR TO REGISTER AN UNREGISTERED NFA FIREARM ALREADY POSSESSED BY THE PERSON.
- SECOND, A PROVISION WAS ADDED TO THE LAW PROHIBITING THE USE OF ANY INFORMATION FROM AN NFA APPLICATION OR REGISTRATION AS EVIDENCE AGAINST THE PERSON IN A CRIMINAL PROCEEDING WITH RESPECT TO A VIOLATION OF LAW OCCURRING PRIOR TO OR CONCURRENTLY WITH THE FILING OF THE APPLICATION OR REGISTRATION.
- TITLE II ALSO AMENDED THE NFA DEFINITIONS OF "FIREARM" BY ADDING "DESTRUCTIVE DEVICES" AND EXPANDING THE DEFINITION OF "MACHINE GUN."

FIREARM OWNERS' PROTECTION ACT

- IN 1986, THIS ACT AMENDED THE NFA DEFINITION OF "SILENCER" BY ADDING COMBINATIONS OF PARTS FOR SILENCERS AND ANY PART INTENDED FOR USE IN THE ASSEMBLY OR FABRICATION OF A SILENCER.
- THE ACT ALSO AMENDED THE GCA TO PROHIBIT THE TRANSFER OR POSSESSION OF MACHINE GUNS.
- EXCEPTIONS WERE MADE FOR TRANSFERS OF MACHINE GUNS TO, OR POSSESSION OF MACHINE GUNS BY, GOVERNMENT AGENCIES, AND THOSE LAWFULLY POSSESSED BEFORE THE EFFECTIVE DATE OF THE PROHIBITION, MAY 19, 1986.

CAN I OWN A MACHINE GUN?

- THE OTHER BIG REQUIREMENT FOR OWNING A MACHINE GUN IS THAT IT MUST HAVE BEEN MADE BEFORE MAY 19, 1986. IT WAS THE HUGHES AMENDMENT TO THE FIREARMS OWNERS PROTECTION ACT OF 1986 WHICH OFFICIALLY CLOSED THE NFA REGISTRY TO NEW MACHINE GUNS. AFTER MAY 19, 1986, PRIVATE CITIZENS WOULD NO LONGER BE ALLOWED TO REGISTER NEW MACHINE GUNS, BUT TRANSFERS OF EXISTING REGISTERED GUNS ARE STILL ALLOWED.
- BECAUSE OF THIS, MACHINE GUNS ARE BECOMING MORE AND MORE EXPENSIVE AS THE SUPPLY IS SIGNIFICANTLY LESS THAN THE DEMAND.
- YOU SHOULD EXPECT TO SPEND A MINIMUM OF \$8,000-\$12,000 TO BUY ONE. POPULAR MODELS, LIKE M16S AND TOMMY GUNS, ARE CLOSER TO \$30,000 OR MORE. ESSENTIALLY, MACHINE GUNS ARE QUICKLY BECOMING INVESTMENTS RATHER THAN PRACTICAL FIREARMS FOR USE.

MAGAZINES

- IN REPEATING FIREARMS, THE MAGAZINE IS THE PLACE THAT STORES THE AMMUNITION THAT HAS NOT BEEN FIRED. IT IS A REMOVABLE, SPRING-POWERED AMMUNITION STORAGE AND FEEDING DEVICE THAT IS INSERTED INTO A FIREARM. WHEN YOU WORK THE ACTION, A CARTRIDGE IS PICKED UP FROM THE MAGAZINE AND PLACED IN THE CHAMBER READY TO BE FIRED.
- STANDARD MAGAZINE CAPACITY WILL VARY DEPENDING ON THE FIREARM AND MANUFACTURER.



FIREARM ACCESSORIES AND THEIR USES

- HANDGUN GRIP MODULES
- WEAPON MOUNTED LIGHTS (HANDGUN AND RIFLE)
- RIFLE STOCKS (HUNTING STOCK, PRECISION, COLLAPSIBLE, OR FOLDING STOCKS.)
- RIFLE BRACES
- GRIPS, (HANDGUN OR RIFLE)
- FORENDS (HANDGUARDS)
- FOREND GRIPS
- BIPODS
- IRON SIGHT, BACKUP SIGHTS, SCOPES, RED DOT OPTICS, LASERS, ETC.

SILENCERS OR MUFFLERS

- HEARING PROTECTION
- REDUCED RECOIL
- INCREASED ACCURACY
- REDUCED MUZZLE FLASH (NIGHTTIME IMPACT ON VISION)
- SAFER HUNTING (HUNTER AND K9S)
- NOISE REDUCTION (ENVIRONMENTAL, LOCATION)



NATIONAL INSTANT CRIMINAL BACKGROUND CHECKS (NICS)

- NICS IS THE FBI'S NATIONAL SYSTEM THAT CHECKS RECORDS ON PERSONS WHO MAY BE DISQUALIFIED FROM RECEIVING FIREARMS
- WHEN A PERSON TRIES TO BUY A FIREARM, THE SELLER, KNOWN AS A FEDERAL FIREARMS LICENSEE (FFL), CONTACTS NICS ELECTRONICALLY OR BY PHONE.
- THE PROSPECTIVE BUYER FILLS OUT THE ATF FORM, AND THE FFL RELAYS THAT INFORMATION TO THE NICS.
- THE NICS STAFF PERFORMS A BACKGROUND CHECK ON THE BUYER.
- THAT BACKGROUND CHECK VERIFIES THE BUYER DOES NOT HAVE A CRIMINAL RECORD OR ISN'T OTHERWISE INELIGIBLE TO PURCHASE OR OWN A FIREARM.
- SINCE LAUNCHING IN 1998, MORE THAN 300 MILLION CHECKS HAVE BEEN DONE, LEADING TO MORE THAN 1.5 MILLION DENIALS.

HOW FIREARMS BACKGROUND CHECKS WORK

- WHEN SOMEONE TRIES TO BUY A FIREARM, THE SELLER—KNOWN AS A FEDERAL FIREARMS LICENSEE (FFL)—CONTACTS THE FBI. THE PROSPECTIVE BUYER FILLS OUT THE REQUIRED FORM, AND THE FFL SENDS THAT INFORMATION TO THE FBI. THE FBI PERFORM A BACKGROUND CHECK ON THE BUYER TO VERIFY ELIGIBILITY.
- PROSPECTIVE FIREARMS BUYERS WHO RECEIVE A “DENIED” STATUS ON THEIR BACKGROUND CHECKS MAY HAVE A STATE OR FEDERAL FIREARM PROHIBITION. THE DENIED INDIVIDUAL MAY CHOOSE TO PURSUE A CHALLENGE AND/OR APPLY TO THE VOLUNTARY APPEAL FILE.
- A “DELAYED” MESSAGE MEANS THE FBI NEEDS TO DO ADDITIONAL RESEARCH TO VERIFY THE PERSON'S BACKGROUND. FBI STAFF WORKS CLOSELY WITH FEDERAL, STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT AGENCIES AND COURTS TO VERIFY ELIGIBILITY. IN SOME CASES, THIS CAN BE A TIME-CONSUMING PROCESS.
- IF THE FBI CANNOT MAKE A DETERMINATION WITHIN THREE BUSINESS DAYS OF A BACKGROUND CHECK, THE FFL MAY TRANSFER THE FIREARM, UNLESS PROHIBITED BY STATE LAW (PER THE BRADY HANDGUN VIOLENCE PREVENTION ACT OF 1993.)

NICS INDICES

- THE NICS INDICES (INDEX) CONTAINS INFORMATION ON PEOPLE WHO ARE PROHIBITED FROM RECEIVING FIREARMS BY FEDERAL OR STATE LAW.
- THIS INFORMATION HELPS THE FBI MAKE SURE FIREARMS ARE NOT SOLD OR TRANSFERRED TO PEOPLE WHO ARE PROHIBITED FROM RECEIVING THEM.
- NICS TAKES NOMINATIONS FOR PROHIBITED POSSESSORS.

NM LEGISLATIVE CHANGES

- 2019 SB8 UNLAWFUL SALE OF A FIREARM WITHOUT A BACKGROUND CHECK
- 2020 SB5 EXTREME RISK FIREARM PROTECTION ORDER ACT
- 2022 HB68 OMNIBUS CRIME BILL (ENHANCED PENALTIES FOR USE OF A FIREARM)
- 2023 HB9 PURCHASE OF FIREARMS FOR ANOTHER
- 2023 HB9 UNLAWFUL ACCESS OF FIREARM BY MINOR
- HB234 ROBBERY & ORGANIZED RETAIL CRIME (UNLAWFUL ASSAULTING OR STRIKING)

THANK YOU!

Q&A

M4A1 SELECTOR SWITCH













