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

INTRODUCED BY

DISCUSSION DRAFT

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AN ACT

RELATING TO FIREARMS; ENACTING THE ASSAULT WEAPONS REGULATION ACT; PROHIBITING THE MANUFACTURE, POSSESSION, DELIVERY, SALE AND PURCHASE OF ASSAULT WEAPONS, ASSAULT WEAPON ATTACHMENTS, .50 CALIBER RIFLES AND .50 CALIBER CARTRIDGES; PROVIDING EXCEPTIONS; PROVIDING A PENALTY.

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

SECTION 1. A new section of Chapter 30, Article 7 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Assault Weapons Regulation Act"."

SECTION 2. A new section of Chapter 30, Article 7 NMSA 1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Assault Weapons Regulation Act:

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1	A. ".50 caliber cartridge" means a cartridge in .50
2	BMG caliber, either by designation or actual measurement, that
3	is capable of being fired from a centerfire rifle. ".50
4	caliber cartridge" does not include any memorabilia or display
5	item that is filled with a permanent inert substance or that is
6	otherwise permanently altered in a manner that prevents ready
7	modification for use as live ammunition or shotgun ammunition
8	with a caliber measurement that is equal to or greater than .50
9	caliber;
10	B. ".50 caliber rifle" means a centerfire rifle
11	capable of firing a .50 caliber cartridge. ".50 caliber rifle"
12	does not include any antique firearm, any shotgun, including a
13	shotgun that has a rifle barrel, or any muzzleloader that uses

C. "antique firearm" means:

black powder for hunting or historical reenactments;

- (1) any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured in or before 1898;
- (2) any replica of any firearm described in Paragraph (1) of this subsection if such replica:
- (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
- (b) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the

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ordinary channels of commercial trade; or

- any muzzleloading rifle, muzzleloading shotgun or muzzleloading pistol that is designed to use black powder or a black powder substitute and that cannot use fixed The term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzleloading weapon or any muzzleloading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt or breechblock or any other combination;
- "assault weapon" means any of the following, except as provided in Subsection E of this section:
- (1) a semiautomatic rifle that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm has one or more of the following:
 - a pistol grip or thumbhole stock;
- any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
- (c) a folding, telescoping, thumbhole or detachable stock, or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length, size or any other dimension or otherwise enhances the concealability of the weapon;
 - (d) a flash suppressor;

1	(e) a grenade launcher; or
2	(f) a shroud attached to the barrel or
3	that partially or completely encircles the barrel, allowing the
4	bearer to hold the firearm with the non-trigger hand without
5	being burned, but excluding a slide that encloses the barrel;
6	(2) a semiautomatic rifle that has a fixed
7	magazine with the capacity to accept more than ten rounds,
8	except for an attached tubular device designed to accept, and
9	capable of operating only with, .22 caliber rimfire ammunition;
10	(3) a semiautomatic pistol that has the
11	capacity to accept a detachable magazine or that may be readily
12	modified to accept a detachable magazine, if the firearm has
13	one or more of the following:
14	(a) a threaded barrel;
15	(b) a second pistol grip or another
16	feature capable of functioning as a protruding grip that can be
17	held by the non-trigger hand;
18	(c) a shroud attached to the barrel or
19	that partially or completely encircles the barrel, allowing the
20	bearer to hold the firearm with the non-trigger hand without
21	being burned, but excluding a slide that encloses the barrel;
22	(d) a flash suppressor;
23	(e) the capacity to accept a detachable
24	magazine at some location outside of the pistol grip; or
25	(f) a buffer tube, arm brace or other
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1	part that protrudes horizontally behind the pistol grip and is							
2	designed or redesigned to allow or facilitate a firearm to be							
3	fired from the shoulder;							
4	(4) a semiautomatic pistol that has a fixed							
5	magazine with the capacity to accept more than fifteen rounds;							
6	(5) any shotgun with a revolving cylinder;							
7	(6) a semiautomatic shotgun that has one or							
8	more of the following:							
9	(a) a pistol grip or thumbhole stock;							
10	(b) any feature capable of functioning							
11	as a protruding grip that can be held by the non-trigger hand;							
12	(c) a folding or thumbhole stock;							
13	(d) a grenade launcher;							
14	(e) a fixed magazine with the capacity							
15	of more than five rounds; or							
16	(f) the capacity to accept a detachable							
17	magazine;							
18	(7) any semiautomatic firearm that has the							
19	capacity to accept a belt ammunition feeding device;							
20	(8) any firearm that has been modified to be							
21	operable as an assault weapon as defined in this section;							
22	(9) any part or combination of parts designed							
23	or intended to convert a firearm into an assault weapon,							
24	including any combination of parts from which an assault weapon							
25	may be readily assembled if those parts are in the possession							
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1	of under the control of the same person;
2	(10) all of the following rifles, copies,
3	duplicates, variants or altered facsimiles with the capability
4	of any such weapon:
5	(a) all AK types, including the
6	following: 1) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90,
7	MISR, NHM90, NHM91, SA85, SA93, Vector Arms AK-47, VEPR,
8	WASR-10 and WUM; 2) Izhmash Saiga AK; 3) Maadi AK47 and ARM; 4)
9	Norinco Type 56S, 56S-2, 84S and 86S; 5) Poly Technologies AK47
10	and AKS; and 6) SKS with a detachable magazine;
11	(b) all AR types, including the
12	following: 1) AR-10; 2) AR-15; 3) Alexander Arms Overmatch
13	Plus 16; 4) Armalite M-15 22LR Carbine; 5) Armalite M15-T; 6)
14	Barrett REC7; 7) Beretta AR-70; 8) Black Rain Ordnance Recon
15	Scout; 9) Bushmaster ACR; 10) Bushmaster Carbon 15; 11)
16	Bushmaster MOE series; 12) Bushmaster XM15; 13) Chiappa
17	Firearms MFour rifles; 14) Colt Match Target rifles; 15) CORE
18	Rifle Systems CORE15 rifles; 16) Daniel Defense M4Al rifles;
19	17) Devil Dog Arms 15 Series rifles; 18) Diamondback DB15
20	rifles; 19) DoubleStar AR rifles; 20) DPMS Tactical rifles; 21)
21	DSA Inc. ZM-4 Carbine; 22) Heckler & Koch MR556; 23) High
22	Standard HSA-15 rifles; 24) Jesse James Nomad AR-15 rifle; 25)
23	Knight's Armament SR-15; 26) Lancer L15 rifles; 27) MGI Hydra
24	Series rifles; 28) Mossberg MMR Tactical rifles; 29) Noreen
25	Firearms BN36 rifle; 30) Olympic Arms; 31) POF-USA P415; 32)

1	Precision Firearms AR rifles; 33) Remington R-15 rifles; 34)									
2	Rhino Arms AR rifles; 35) Rock River Arms LAR-15 or Rock River									
3	Arms LAR-47; 36) SIG Sauer SIG516 and MCX rifles; 37) Smith &									
4	Wesson M&P15 rifles; 38) Stag Arms AR rifles; 39) Sturm, Ruger									
5	& Co. SR-556 and AR-556 rifles; 40) Uselton Arms Air-Lite M-4									
6	rifles; 41) Windham Weaponry AR rifles; 42) WMD Guns Big Beast;									
7	and 43) Yankee Hill Machine Company, Incorporated YHM-15									
8	rifles;									
9	(c) Barrett Ml07Al;									
10	(d) Barrett M82Al;									
11	(e) Beretta CX4 Storm;									
12	(f) Calico Liberty Series;									
13	(g) CETME Sporter;									
14	(h) Daewoo K-1, K-2, Max 1, Max II, AR									
15	100 and AR 110C;									
16	(i) Fabrique Nationale/FN Herstal FAL,									
17	LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR and FS2000;									
18	(j) Feather Industries AT-9;									
19	(k) Galil Model AR and Model ARM;									
20	(1) Hi-Point Carbine;									
21	(m) HK-91, HK-93, HK-94, HK-PSG-1 and HK									
22	USC;									
23	(n) IWI TAVOR and Galil ACE rifles;									
24	(o) Kel-Tec Sub-2000, SU-16 and RFB;									
25	(p) SIG AMT, SIG PE-57, SIG Sauer SG									

1	550, SIG Sauer SG 551 and SIG MCX;							
2	(q) Springfield Armory SAR-48;							
3	(r) Steyr AUG;							
4	(s) Sturm, Ruger & Co. Mini-14 Tactical							
5	Rifle M-14/20CF;							
6	(t) all Thompson rifles, including the							
7	following: 1) Thompson MISB; 2) Thompson T1100D; 3) Thompson							
8	T150D; 4) Thompson T1B; 5) Thompson T1B100D; 6) Thompson							
9	T1B50D; 7) Thompson T1BSB; 8) Thompson T1-C; 9) Thompson T1D;							
10	10) Thompson T1SB; 11) Thompson T5; 12) Thompson T5100D; 13)							
11	Thompson TM1; and 14) Thompson TM1C;							
12	(u) Umarex Uzi rifle;							
13	(v) Uzi Mini Carbine, Uzi Model A							
14	Carbine and Uzi Model B Carbine;							
15	(w) Valmet M62S, M71S and M78;							
16	(x) Vector Arms Uzi Type;							
17	(y) Weaver Arms Nighthawk; and							
18	(z) Wilkinson Arms Linda Carbine;							
19	(11) all of the following pistols, copies,							
20	duplicates, variants or altered facsimiles with the capability							
21	of any such weapon thereof:							
22	(a) all AK types, including the							
23	following: 1) Centurion 39 AK pistol; 2) CZ Scorpion pistol;							
24	3) Draco AK-47 pistol; 4) HCR AK-47 pistol; 5) IO Inc. Hellpup							
25	AK-47 pistol; 6) Krinkov pistol; 7) Mini Draco AK-47 pistol; 8)							
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1	PAP M92 pistor; and 9) rugo krebs krink pistor;									
2	(b) all AR types, including the									
3	following: 1) American Spirit AR-15 pistol; 2) Bushmaster									
4	Carbon 15 pistol; 3) Chiappa Firearms M4 Pistol GEN II; 4) CORE									
5	Rifle Systems CORE15 Roscoe pistol; 5) Daniel Defense MK18									
6	pistol; 6) DoubleStar Corporation AR pistol; 7) DPMS AR-15									
7	pistol; 8) Jesse James Nomad AR-15 pistol; 9) Olympic Arms									
8	AR-15 pistol; 10) Osprey Armament MK-18 pistol; 11) POF-USA AR									
9	pistols; 12) Rock River Arms LAR 15 pistol; and 13) Uselton									
10	Arms Air-Lite M-4 pistol;									
11	(c) Calico pistols;									
12	(d) DSA SA58 PKP FAL pistol;									
13	(e) Encom MP-9 and MP-45;									
14	(f) Heckler & Koch model SP-89 pistol;									
15	(g) Intratec AB-10, TEC-22 Scorpion,									
16	TEC-9 and TEC-DC9;									
17	(h) IWI Galil Ace pistol, Uzi PRO									
18	pistol;									
19	(i) KelTec PLR16 pistol;									
20	(j) all MAC types, including the									
21	following: 1) MAC-10; 2) MAC-11; 3) Masterpiece Arms MPA 930									
22	Mini pistol, MPA460 pistol, MPA Tactical pistol and MPA Mini									
23	Tactical pistol; 4) Military Armament Corporation Ingram M-ll;									
24	and 5) Velocity Arms VMAC;									
25	(k) SIG Sauer P556 pistol;									
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1	(1) Sites Specife;							
2	(m) all Thompson types, including the							
3	following: 1) Thompson TA510D; and 2) Thompson TA5; and							
4	(n) all Uzi types, including Micro-Uzi;							
5	and							
6	(12) all of the following shotguns, copies,							
7	duplicates, variants or altered facsimiles with the capability							
8	of any such weapon thereof:							
9	(a) DERYA Anakon MC-1980 and Anakon							
10	SD12;							
11	(b) Doruk Lethal shotguns;							
12	(c) Franchi LAW-12 and SPAS 12;							
13	(d) all Izhmash Saiga 12 types,							
14	including the following: 1) Izhmash Saiga 12; 2) Izhmash Saiga							
15	12S; 3) Izhmash Saiga 12S EXP-01; 4) Izhmash Saiga 12K; 5)							
16	Izhmash Saiga 12K-030; and 6) Izhmash Saiga 12K-040 Taktika;							
17	(e) Streetsweeper; and							
18	(f) Striker 12;							
19	E. "assault weapon" does not include:							
20	(1) any firearm that is an unserviceable							
21	firearm or has been made permanently inoperable;							
22	(2) an antique firearm or a replica of an							
23	antique firearm;							
24	(3) a firearm that is manually operated by							
25	bolt, pump, lever or slide action, unless the firearm is a							
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shotgun with a revolving cylinder;

- (4) any air rifle; or
- (5) any handgun, as defined under the Concealed Handgun Carry Act, unless otherwise listed in this section;
- F. "assault weapon attachment" means any device capable of being attached to a firearm that is specifically designed for making or converting a firearm into any of the firearms listed in Subsection D of this section;
- G. "detachable magazine" means an ammunition feeding device that may be removed from a firearm without disassembly of the firearm action, including an ammunition feeding device that may be readily removed from a firearm with the use of a bullet, cartridge, accessory or other tool or any other object that functions as a tool, including a bullet or cartridge; and
- H. "fixed magazine" means an ammunition feeding device that is permanently attached to a firearm, or contained in and not removable from a firearm, or that is otherwise not a detachable magazine, but does not include an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition."
- SECTION 3. A new section of Chapter 30, Article 7 NMSA 1978 is enacted to read:
- "[NEW MATERIAL] PROHIBITING THE MANUFACTURE, POSSESSION, .226832.1

DELIVERY, SALE AND PURCHASE OF ASSAULT WEAPONS, ASSAULT WEAPON ATTACHMENTS, .50 CALIBER RIFLES AND .50 CALIBER CARTRIDGES.--

A. Unlawful manufacture, possession, delivery, sale or purchase of an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge consists of knowingly manufacturing, possessing, delivering, selling or purchasing or causing to be manufactured, possessed, delivered, sold or purchased by another an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge.

- B. This section does not apply to a person's possession of an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge if the person lawfully possessed that assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge prior to January 1, 2025 and the person has provided an endorsement affidavit, under oath or affirmation and in the form and manner prescribed by the department of public safety. No later than October 1, 2024, the department of public safety's form shall include:
- (1) an affirmation that the affiant possessed an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge before the effective date of the Assault Weapons Regulation Act; or
- (2) an affirmation that the affiant inherited an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge from a person with an endorsement

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under this section or from a person authorized under Section 4 of the Assault Weapons Regulation Act to possess the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge; and

- (3) the make, model, caliber and serial number of the .50 caliber rifle or assault weapon or assault weapons possessed by the affiant prior to the effective date of the Assault Weapons Regulation Act.
- No later than October 1, 2024, and every subsequent October 1, the department of public safety shall by rulemaking identify, publish and make available on its website the list of assault weapons subject to an endorsement affidavit under the Assault Weapons Regulation Act.
- In any administrative, civil or criminal proceeding pursuant to the Assault Weapons Regulation Act, a completed endorsement affidavit submitted to the department of public safety by a person under the Assault Weapons Regulation Act creates a rebuttable presumption that the person is entitled to possess and transport the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge.
- Beginning January 1, 2025, a person authorized under the Assault Weapons Regulation Act to possess an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge shall possess such items only:
- on private property owned or immediately (1) .226832.1

controlled by the person;

- (2) on private property that is not open to the public with the express permission of the person who owns or immediately controls such property;
- (3) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair;
- (4) while engaged in the legal use of the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge at a properly licensed firing range or sport shooting competition venue; or
- (5) while traveling to or from the locations listed in Paragraphs (1) through (4) of this subsection; provided that the assault weapon, assault weapon attachment or .50 caliber rifle is unloaded and the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge is enclosed in a case, firearm carrying box, shipping box or other container.
- F. Beginning on January 1, 2025, the person with the endorsement for an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge or a person authorized under Section 4 of the Assault Weapons Regulation Act to possess an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge may transfer the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge only to an heir, an

individual residing in another state or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968. Within ten days after transfer of the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge, except to an heir, the person shall notify the department of public safety of the name and address of the transferee. The person to whom the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge is transferred shall, within sixty days of the transfer, complete an affidavit required under the Assault Weapons Regulation Act. A person to whom the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge is transferred may transfer it only as provided in the Assault Weapons Regulation Act.

- G. Any person who moves into this state in possession of an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge shall, within sixty days, complete an endorsement affidavit as provided in the Assault Weapons Regulation Act.
- H. Information contained in the endorsement affidavit shall be confidential, is exempt from disclosure under the Inspection of Public Records Act and shall not be disclosed, except to law enforcement agencies acting in the performance of their duties.
- I. The affidavit form shall include the following .226832.1

information on this form is punishable as perjury pursuant to Section 30-25-1 NMSA 1978.". In any administrative, civil or criminal proceeding in the state, a completed endorsement affidavit submitted to the department of public safety by a person pursuant to this section creates a rebuttable presumption that the person is entitled to possess and transport the assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge.

J. Whoever commits unlawful manufacture, possession, delivery, sale or purchase of an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge is guilty of a fourth degree felony."

SECTION 4. A new section of Chapter 30, Article 7 NMSA 1978 is enacted to read:

"[NEW MATERIAL] EXCEPTIONS.--

A. The provisions of the Assault Weapons Regulation Act regarding the purchase or possession of assault weapons, assault weapon attachments, .50 caliber rifles and .50 caliber cartridges, as well as the provisions of the Assault Weapons Regulation Act that prohibit causing those items to be purchased or possessed, do not apply to:

(1) any government officer, agent or employee, a member of the armed forces of the United States or a peace officer to the extent that such person is otherwise authorized .226832.1

to acquire or possess an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge and does so while acting within the scope of that person's duties;

- (2) wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense; or
- officers in this state at a nuclear energy, storage, weapons or development site or facility regulated by the United States nuclear regulatory commission and any person employed as an armed security officer at a nuclear energy, storage, weapons or development site or facility regulated by the United States nuclear regulatory commission who has completed the background screening and training mandated by the rules and regulations of the United States nuclear regulatory commission and while performing official duties.
- B. The provisions of this section do not apply to the manufacture, delivery, purchase or possession of an assault weapon, assault weapon attachment, .50 caliber rifle or .50 caliber cartridge or causing the manufacture, delivery, purchase or possession of those items:
- (1) for sale or transfer to persons authorized under this section;
- (2) for sale or transfer to the United States or any department or agency thereof; or

	(3)	for	sale	or	transfer	in	another	state	or
for export.									

- C. This section does not apply to or affect any of the following:
- (1) possession of any firearm if that firearm is sanctioned by the international olympic committee and by USA shooting, the national governing body for international shooting competition in the United States, but only when the firearm is in the actual possession of an olympic target shooting competitor or target shooting coach for the purpose of storage or transporting to and from olympic target shooting practice or events if the firearm is broken down in a nonfunctioning state, is not immediately accessible or is unloaded and enclosed in a firearm case, carrying box, shipping box or other similar portable container designed for the safe transportation of firearms and when the olympic target shooting competitor or target shooting coach is engaging in those practices or events;
- (2) any nonresident who transports, within twenty-four hours, an assault weapon for any lawful purpose from any place where the nonresident may lawfully possess and carry that assault weapon to any other place where the nonresident may lawfully possess and carry that assault weapon if, during the transportation, the assault weapon is unloaded and neither the assault weapon nor any ammunition being

transported is readily accessible or is directly accessible from the passenger compartment of the transporting vehicle. In the case of a vehicle without a compartment separate from the driver's compartment, the assault weapon or ammunition shall be contained in a locked container other than the glove compartment or console;

- (3) possession of a weapon only for hunting use or while traveling to or from a location authorized for hunting use if the weapon is broken down in a nonfunctioning state, is not immediately accessible or is unloaded and enclosed in a firearm case, carrying box, shipping box or other similar portable container designed for the safe transportation of firearms. By October 1, 2024, the department of public safety shall adopt rules concerning the list of applicable weapons approved under this paragraph; or
- (4) the manufacture, transportation, possession, sale or rental of blank-firing assault weapons and .50 caliber rifles, or the weapon's respective attachments, to persons authorized or permitted, or both authorized and permitted, to acquire and possess those assault weapons or attachments for the purpose of rental for use solely as props for a motion picture, television or video production or entertainment event."

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2024.