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HOUSE BILL 232

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Lisa L. Lutz

AN ACT

RELATING TO CRIMES; CHANGING THE DEFINITION OF THE CRIME OF
UNLAWFUL CARRYING OF A DEADLY WEAPON.

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

Section 1. Section 30-7-2 NMSA 1978 (being Laws 1963,
Chapter 303, Section 7-2, as amended) is amended to read:

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

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

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

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

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~~(3) by a peace officer in accordance with the policies of his law enforcement agency who is certified pursuant to the Law Enforcement Training Act; or~~

~~(4) by a peace officer in accordance with the policies of his law enforcement agency who is employed on a temporary basis by that agency and who has successfully completed a course of firearms instruction prescribed by the New Mexico law enforcement academy or provided by a certified firearms instructor who is employed on a permanent basis by a law enforcement agency] with the intent to use the weapon to commit a crime.~~

B. The element of intent required pursuant to this section shall not be presumed or inferred from the existence of possession of the weapon.

~~[B.]~~ C. Nothing in this section ~~[shall be construed to prevent]~~ prohibits the carrying of any unloaded firearm.

~~[C.]~~ D. Whoever commits unlawful carrying of a deadly weapon is guilty of a petty misdemeanor."