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**HOUSE BILL 242**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Patsy G. Trujillo**

**AN ACT**

**RELATING TO FIREARMS; ENACTING THE CHILDREN AND FIREARMS  
SAFETY ACT; REQUIRING FIREARMS DEALERS TO ATTACH SAFETY LOCKS  
TO FIREARMS THAT ARE CONVEYED TO ANOTHER PERSON; PRESCRIBING  
CRIMINAL PENALTIES.**

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

**Section 1. SHORT TITLE. --This act may be cited as the  
"Children and Firearms Safety Act".**

**Section 2. DEFINITIONS. --As used in the Children and  
Firearms Safety Act:**

**A. "child" means a person who is less than  
eighteen years of age;**

**B. "firearm" means a handgun, rifle, shotgun or  
any other weapon that is designed to expel a projectile by  
action of an explosion; and**

underscored material = new  
[bracketed material] = delete

1           C. "firearms dealer" means a person who is a  
2 licensed dealer of firearms, as provided in 18 USCA Sections  
3 921 and 923, as amended.

4           Section 3. CONVEYANCE OF FIREARMS BY FIREARMS DEALERS--  
5 SAFETY LOCKS REQUIRED-- DOCUMENTS REQUIRED-- PENALTY--  
6 EXCEPTION.--

7           A. A firearms dealer who sells, gives, lends or  
8 transfers ownership of a firearm to another person shall also  
9 provide that person with a safety lock for the firearm. The  
10 firearms dealer shall attach the safety lock to the firearm  
11 before he transfers possession of the firearm, and it shall  
12 remain attached while the firearm is on the business premises  
13 of the firearms dealer.

14           B. If a safety lock cannot be attached to a  
15 firearm because the firearm lacks a trigger guard, a firearms  
16 dealer shall place the firearm in a locked box or locked  
17 container before he transfers possession of the firearm, and  
18 it shall remain in the locked box or locked container while  
19 the firearm is on the business premises of the firearms  
20 dealer.

21           C. A firearms dealer who sells, gives, lends or  
22 transfers ownership of a firearm to another person shall  
23 provide that person with a written form that advises the  
24 person of safe storage practices for firearms.

25           D. A firearms dealer who sells, gives, lends or

1 transfers ownership of a firearm to another person shall  
2 provide the person with a written form, to be signed by the  
3 person and returned to the firearms dealer, which acknowledges  
4 that the firearms dealer provided the person with:

5 (1) a safety lock, a locked box or a locked  
6 container for the firearm; and

7 (2) a written form that advises the person of  
8 safe storage practices for firearms.

9 E. A firearms dealer who fails to comply with the  
10 provisions of Subsection A, B, C or D of this section is  
11 guilty of a misdemeanor and shall be sentenced pursuant to the  
12 provisions of Section 31-19-1 NMSA 1978.

13 F. The requirements set forth in this section do  
14 not apply to a firearms dealer who sells, gives, lends or  
15 transfers ownership of a firearm that is a curio or relic to  
16 another person.

17 G. A firearms dealer who complies with the  
18 provisions of Subsections A, B, C and D of this section:

19 (1) is not responsible to another person with  
20 regard to the safety or appropriate use of a safety lock, a  
21 locked box or a locked container; and

22 (2) is not liable to another person in a  
23 civil action, when the action is based upon the firearms  
24 dealer supplying the other person with a safety lock, a locked  
25 box or a locked container.

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[bracketed material] = delete

1 H. The provisions of Subsection A or B of this  
2 section shall not be interpreted to prevent a firearms dealer  
3 from charging a customer for the expense of supplying a safety  
4 lock, a locked box or a locked container.

5 Section 4. RULES.--The department of public safety,  
6 after consultation with the department of health, shall adopt  
7 rules regarding:

8 A. an approved design for safety locks to be used  
9 by a firearms dealer; provided that the design is adequate to  
10 reasonably prevent a child from removing a safety lock from a  
11 firearm or firing a firearm with the safety lock in place;

12 B. a written form provided by a firearms dealer  
13 that advises a person of safe storage practices for firearms;  
14 and

15 C. a written form that a person shall sign and  
16 return to a firearms dealer that acknowledges that the  
17 firearms dealer provided the person with:

18 (1) a safety lock, a locked box or a locked  
19 container for the firearm; and

20 (2) a written form that advises the person of  
21 safe storage practices for firearms.

22 Section 5. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2001.