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HOUSE BILL 397

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

INTRODUCED BY

W. Ken Martinez

FOR THE COURTS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

**RELATING TO CRIMINAL LAW; RESTRICTING AN EXCEPTION TO THE
OFFENSE OF UNLAWFUL CARRYING OF A DEADLY WEAPON ON SCHOOL
PREMISES; AMENDING A SECTION OF THE NMSA 1978.**

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

**Section 1. Section 30-7-2.1 NMSA 1978 (being Laws 1987,
Chapter 232, Section 1, as amended) is amended to read:**

**"30-7-2.1. UNLAWFUL CARRYING OF A DEADLY WEAPON ON
SCHOOL PREMISES. --**

**A. Unlawful carrying of a deadly weapon on school
premises consists of carrying a deadly weapon on school
premises except by:**

- (1) a peace officer;**
- (2) school security personnel;**
- (3) a student, instructor or other**

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1 school-authorized personnel engaged in army, navy, marine
2 corps or air force reserve officer training corps programs or
3 state-authorized hunter safety training instruction;

4 (4) a person conducting or participating in a
5 school-approved program, class or other activity involving the
6 carrying of a deadly weapon; or

7 (5) a person older than nineteen years of age
8 on school premises in a private automobile or other private
9 means of conveyance when the person is a parent or guardian of
10 a child who attends the school and the person is in possession
11 of a firearm for lawful protection of the person's or
12 another's person or property.

13 B. As used in this section:

14 (1) "firearm" means a handgun, rifle, shotgun
15 or any other weapon that is designed to expel a projectile by
16 action of an explosion; and

17 (2) "school premises" means:

18 [~~(1)~~] (a) the buildings and grounds,
19 including playgrounds, playing fields and parking areas and
20 any school bus of [~~any~~] a public elementary, secondary, junior
21 high or high school in or on which school or school-related
22 activities are being operated under the supervision of a local
23 school board; or

24 [~~(2)~~] (b) [~~any~~] other public buildings
25 or grounds, including playing fields and parking areas that

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1 are not public school property, in or on which public
2 school-related and sanctioned activities are being performed.

3 C. Whoever commits unlawful carrying of a deadly
4 weapon on school premises is guilty of a fourth degree
5 felony. "

6 Section 2. EFFECTIVE DATE. --The effective date of the
7 provisions of this act is July 1, 2001.

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