

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 548 AND HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 50

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
REQUIRING CRIMINAL BACKGROUND CHECKS ON GUN TRANSFERS BETWEEN  
CERTAIN PERSONS; PROVIDING PENALTIES.

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] FIREARM TRANSFERS BETWEEN UNLICENSED  
PERSONS--BACKGROUND CHECKS.--

A. A firearm shall not be transferred between two  
unlicensed persons in a commercial transaction until the  
transferor and transferee appear together with the firearm at a  
federal firearm licensee and the federal firearm licensee  
conducts a background check on the transferee that authorizes  
the transfer pursuant to 18 U.S.C. Section 922(t). A

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1 transferor and transferee who violate the provisions of this  
2 subsection are each guilty of:

- 3 (1) for a first offense, a misdemeanor; and
- 4 (2) for a second or subsequent offense, a  
5 fourth degree felony.

6 B. Each firearm transferred in violation of this  
7 section is a separate offense. Two or more offenses may be  
8 charged in the same complaint, information or indictment and  
9 punished as separate offenses for each firearm involved.

10 C. As used in this section:

11 (1) "background check" means the process  
12 described in 18 U.S.C. Section 922(t) that uses the national  
13 instant criminal background check system to determine whether a  
14 person is prohibited from possessing or receiving firearms  
15 under federal or state law;

16 (2) "commercial transaction" means the  
17 transfer of a firearm:

18 (a) proceeding from an advertisement,  
19 posting, display or other listing on the internet or in a  
20 publication; or

21 (b) at or proceeding from a gun show;

22 (3) "federal firearm licensee" means a person  
23 who holds a federal firearms license issued pursuant to 18  
24 U.S.C. Section 923(a);

25 (4) "firearm" means any weapon that will or is

1 designed to or may readily be converted to expel a projectile  
2 by the action of an explosion;

3 (5) "gun show" means an event at which more  
4 than twenty-five firearms are offered or exhibited for sale,  
5 exchange or transfer, and includes the parking lots and other  
6 grounds of the venue where the event takes place;

7 (6) "transfer" means to sell, deliver or pass  
8 ownership;

9 (7) "transferee" means an unlicensed person  
10 who intends to receive a firearm from another unlicensed  
11 person;

12 (8) "transferor" means an unlicensed person  
13 who intends to transfer a firearm to another unlicensed person;  
14 and

15 (9) "unlicensed person" means a person who is  
16 not a firearm dealer."

17 SECTION 2. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2017.

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