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HOUSE BILL 9

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

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AN ACT

RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL ACCESS TO A
FIREARM BY A MINOR; IMPOSING PENALTIES.

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

SECTION 1. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] UNLAWFUL ACCESS TO A FIREARM BY A MINOR--
PENALTIES.--

A. It is unlawful for a person who keeps or stores
a firearm to do so in such manner that the firearm is accessed
by a minor without the authorization of the minor's parent or
guardian or when used in the commission of a crime.

B. When a firearm is accessed by a minor without
the authorization of the minor's parent or guardian, the person
who keeps or stores the firearm is subject to a penalty

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1 assessment of one thousand dollars (\$1,000); provided that with
2 regard to a residence, the person had no reasonable expectation
3 based on objective facts and circumstances that a child was
4 likely to be present where the firearm is kept or stored.

5 C. When a firearm is accessed by a minor and used
6 in the commission of a crime, the person who keeps or stores
7 the firearm commits unlawful access to a firearm by a minor and
8 is guilty of a misdemeanor.

9 D. The penalty assessment may be enforced by
10 citation written by a peace officer or by a parent or guardian
11 of a minor as a civil fine filed in the magistrate or
12 metropolitan court. The court shall credit against the penalty
13 assessment or civil fine the cost of a device to securely store
14 a firearm purchased by the person who keeps or stores the
15 firearm.

16 E. When a firearm is accessed by a minor and used
17 in the commission of a crime resulting in great bodily harm or
18 death, nothing in this section shall be construed to prohibit
19 the concurrent prosecution of the person who keeps or stores
20 the firearm for contributing to the delinquency of a minor,
21 involuntary manslaughter or any other appropriate charge.

22 F. As used in this section:

23 (1) "firearm" means a weapon that expels or is
24 designed to or may readily be converted to expel a projectile
25 by the action of an explosion or the frame of any such weapon;

.221308.10

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(2) "minor" means an unemancipated person under eighteen years of age;

(3) "person who keeps or stores the firearm" means the owner of the firearm or the person who possesses the firearm or is responsible for storing the firearm if the owner does not possess the firearm; provided that the minor did not access the firearm as a result of a burglary committed by the minor; and

(4) "securely store" means to keep in a safe, lock box, cabinet with a gun lock or container that uses a fingerprint sensor or other device, or a mechanism that restricts usage of or a container that restricts access to the firearm."