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HOUSE BILL 50

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Patricia Roybal Caballero and Linda M. Lopez and Eleanor Chávez

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL POSSESSION OR
TRANSFER OF A LARGE-CAPACITY MAGAZINE; PROVIDING EXCEPTIONS;
PROVIDING PENALTIES; MAKING AN APPROPRIATION.

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] UNLAWFUL POSSESSION OR TRANSFER OF LARGE-
CAPACITY MAGAZINES--EXCEPTIONS--PENALTIES.--

A. It is unlawful for a person to possess or
transfer a large-capacity magazine within New Mexico, except
when the person is:

(1) a resident of another state who transports
a large-capacity magazine into New Mexico for use exclusively
in an established shooting competition;

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1 (2) a peace officer, in accordance with the
2 policies of the peace officer's law enforcement agency, who is:

3 (a) certified pursuant to the Law
4 Enforcement Training Act; or

5 (b) employed on a temporary basis by
6 that agency and has successfully completed a course of firearms
7 instruction provided by the New Mexico law enforcement academy
8 or provided by a certified firearms instructor employed on a
9 permanent basis by a law enforcement agency;

10 (3) an active or reserve member of the armed
11 forces of the United States, the army national guard of New
12 Mexico or the air national guard of New Mexico;

13 (4) a federally licensed firearms manufacturer
14 engaged in the manufacture of large-capacity magazines for sale
15 to a branch of the armed forces of the United States or a law
16 enforcement agency for use by that agency or its employees;

17 (5) an entity that operates an armored vehicle
18 business or its authorized employees for use exclusively in the
19 course and scope of the business;

20 (6) a forensic laboratory or its authorized
21 agents or employees for use exclusively in the course and scope
22 of authorized activities; or

23 (7) a federal, state or local historical
24 society, museum or institutional collection that is open to the
25 public; provided that the large-capacity magazine is properly

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1 housed and unloaded.

2 B. A person who violates the provisions of
3 Subsection A of this section is guilty of a fourth degree
4 felony and upon conviction shall be sentenced in accordance
5 with the provisions of Section 31-18-15 NMSA 1978.

6 C. As used in this section:

7 (1) "firearm" means a weapon that can or is
8 designed to or may readily be converted to expel a projectile
9 by the action of an explosion; the frame or receiver of a
10 firearm; or any firearm muffler or firearm silencer;

11 (2) "large-capacity magazine" means a magazine
12 or receptacle for a firearm that holds cartridges or shells
13 under spring pressure preparatory for feeding into the chamber
14 or a belt, drum, feed, strip or tubular device that is capable
15 of holding or could be readily restored or converted to hold
16 ten or more rounds of ammunition. "Large-capacity magazine"
17 does not mean:

18 (a) a feeding device that has been
19 permanently altered so that it cannot accommodate ten or more
20 rounds of ammunition;

21 (b) an attached tubular device that is
22 designed to accept, and capable of operating only with, .22
23 caliber rimfire ammunition;

24 (c) a tubular magazine that is contained
25 in a lever-action firearm; or

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1 (d) a feeding device that is
2 manufactured or sold solely for use by a lever-action or bolt-
3 action rifle or shotgun, an antique firearm or a firearm
4 determined to be a curio or relic by the federal bureau of
5 alcohol, tobacco, firearms and explosives;

6 (3) "possess" means to actively or
7 constructively exercise dominion over a large-capacity magazine
8 and includes use or manufacture; and

9 (4) "transfer" means to move a large-capacity
10 magazine from one person or entity to another and includes
11 receipt, purchase, sale, offer for sale, keep for sale, barter,
12 trade, gift, give, lend, acquire or import."

13 SECTION 2. APPROPRIATION.--One million five hundred
14 thousand dollars (\$1,500,000) is appropriated from the general
15 fund to the department of public safety for expenditure in
16 fiscal year 2024 to carry out the provisions of this act,
17 including the funding of additional local and statewide law
18 enforcement, court process and incarceration. Any unexpended
19 or unencumbered balance remaining at the end of fiscal year
20 2024 shall revert to the general fund.

21 SECTION 3. SEVERABILITY.--If any part or application of
22 this act is held invalid, the remainder or its application to
23 other situations or persons shall not be affected.

24 SECTION 4. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2023.

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