

1 HOUSE BILL 101

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO FIREARMS; PROHIBITING LARGE-CAPACITY MAGAZINES;
12 PROHIBITING ASSAULT WEAPONS; PROVIDING PENALTIES.

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

15 SECTION 1. A new section of Chapter 30, Article 7 NMSA
16 1978 is enacted to read:

17 "[NEW MATERIAL] RESTRICTIONS ON LARGE-CAPACITY
18 MAGAZINES.--

19 A. A person shall not possess, manufacture,
20 purchase, sell or transfer any large-capacity ammunition
21 feeding device regardless of whether the device is attached to
22 a firearm. This section shall not apply to magazines
23 originally designed to accept more than ten rounds of
24 ammunition that have been modified to accept no more than ten
25 rounds and that are not capable of being readily restored to a

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1 capacity of more than ten rounds.

2 B. For the purposes of this section, "large-
3 capacity ammunition feeding device" means a magazine, belt,
4 drum, feed strip or similar device that has a capacity of, or
5 that can be readily restored or converted to accept, more than
6 ten rounds of ammunition. "Large-capacity ammunition feeding
7 device" shall not include an attached tubular device designed
8 to accept, and capable of operating only with, .22 caliber
9 rimfire ammunition.

10 C. Any person who may not lawfully possess a large-
11 capacity magazine commencing July 1, 2023 shall, prior to July
12 1, 2023:

13 (1) remove the large-capacity magazine from
14 the state;

15 (2) sell the large-capacity magazine to a
16 licensed firearms dealer; or

17 (3) surrender the large-capacity magazine to a
18 law enforcement agency for destruction.

19 D. Any person who violates the provisions of this
20 section is guilty of a fourth degree felony."

21 SECTION 2. A new section of Chapter 30, Article 7 NMSA
22 1978 is enacted to read:

23 "[NEW MATERIAL] RESTRICTIONS ON ASSAULT WEAPONS.--

24 A. As used in this section:

25 (1) "assault weapon" means any:

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1 (a) semi-automatic rifle that has the
2 capacity to accept a detachable magazine and has one or more of
3 the following: 1) a pistol grip or thumbhole stock; 2) any
4 feature capable of functioning as a protruding grip that can be
5 held by the non-trigger hand; 3) a folding or telescoping
6 stock; or 4) a shroud attached to the barrel, or that partially
7 or completely encircles the barrel, allowing the bearer to hold
8 the firearm with the non-trigger hand without being burned, but
9 excluding a slide that encloses the barrel;

10 (b) semi-automatic pistol or any semi-
11 automatic, centerfire or rimfire rifle with a fixed magazine
12 that has the capacity to accept more than ten rounds of
13 ammunition;

14 (c) semi-automatic pistol that has the
15 capacity to accept a detachable magazine and has one or more of
16 the following: 1) any feature capable of functioning as a
17 protruding grip that can be held by the non-trigger hand; 2) a
18 folding, telescoping or thumbhole stock; 3) a shroud attached
19 to the barrel, or that partially or completely encircles the
20 barrel, allowing the bearer to hold the firearm with the non-
21 trigger hand without being burned, but excluding a slide that
22 encloses the barrel; or 4) the capacity to accept a detachable
23 magazine at any location outside of the pistol grip;

24 (d) semi-automatic shotgun that has one
25 or more of the following: 1) a pistol grip or thumbhole stock;

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underscoring material = new
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1 2) any feature capable of functioning as a protruding grip that
2 can be held by the non-trigger hand; 3) a folding or
3 telescoping stock; 4) a fixed magazine capacity in excess of
4 five rounds; or 5) an ability to accept a detachable magazine;

5 (e) shotgun with a revolving cylinder;
6 or

7 (f) conversion kit, part or combination
8 of parts from which an assault weapon can be assembled if those
9 parts are in the possession or under the control of the same
10 person; and

11 (2) "assault weapon" does not include any
12 firearm that has been made permanently inoperable.

13 B. A person shall not manufacture, import, possess,
14 purchase, sell or transfer any assault weapon.

15 C. Subsection B of this section shall not apply to:

16 (1) any government officer, agent or employee,
17 a member of the armed forces of the United States or a peace
18 officer to the extent that such person is otherwise authorized
19 to acquire or possess an assault weapon and does so while
20 acting within the scope of that person's duties;

21 (2) the manufacture of an assault weapon by a
22 firearms manufacturer for the purpose of sale to any branch of
23 the armed forces of the United States or to a law enforcement
24 agency in the state for use by that agency or its employees;
25 provided that the manufacturer is properly licensed under

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1 federal, state and local laws; or

2 (3) the sale or transfer of an assault weapon
3 by a dealer that is properly licensed under federal, state and
4 local laws to any branch of the armed forces of the United
5 States or to a law enforcement agency in the state for use by
6 that agency or its employees for law enforcement purposes.

7 D. Any person who may not lawfully possess an
8 assault weapon commencing July 1, 2023 shall, prior to July 1,
9 2023:

10 (1) remove the assault weapon from the state;

11 (2) render the assault weapon permanently
12 inoperable; or

13 (3) surrender the assault weapon to the
14 appropriate law enforcement agency for destruction.

15 E. Any person who violates the provisions of this
16 section is guilty of a fourth degree felony."