

SENATE BILL 69

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF UNLAWFUL SALE OF A FIREARM BEFORE THE REQUIRED WAITING PERIOD ENDS; REQUIRING A FOURTEEN-DAY WAITING PERIOD WHEN CONDUCTING THE SALE OF A FIREARM; PROVIDING EXCEPTIONS; PRESCRIBING PENALTIES.

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

SECTION 1. A new Section 30-7-7.3 NMSA 1978 is enacted to read:

.226834.1AIC January 29, 2024 (9:41am)

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"30-7-7.3. [NEW MATERIAL] UNLAWFUL SALE OF A FIREARM

BEFORE REQUIRED WAITING PERIOD ENDS.--

A. There shall be a required waiting period of fourteen SHPAC→~~business~~←SHPAC SHPAC→calendar←SHPAC days between the initiation of the federal instant background check required for the sale of a firearm and the transfer of the firearm to the buyer.

B. Unlawful sale of a firearm before the required waiting period ends consists of transferring ownership, possession or physical control of the firearm from the seller to the buyer before the end of the required waiting period.

C. The firearm shall remain in the custody of the seller during the entirety of the waiting period.

D. Records of firearm sales shall be made available by the seller for inspection upon request of a law enforcement agency.

E. The provisions of this section do not apply to the sale of a firearm:

- (1) to a buyer who holds a valid federal firearms license;
- (2) to a buyer who holds a valid New Mexico concealed carry license;
- (3) to a law enforcement agency;
- (4) between two law enforcement officers authorized to carry a firearm and certified pursuant to federal

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law or the Law Enforcement Training Act; or

(5) between immediate family members to the third degree of consanguinity.

F. Each party to an unlawful sale of a firearm before the required waiting period ends is in violation of this section and may be separately charged for the same sale.

G. Each firearm sold contrary to the provisions of this section constitutes a separate offense under Subsection B of this section.

H. Two or more offenses may be charged in the same complaint, information or indictment and shall be punished as separate offenses.

I. Whoever violates the provisions of this section is guilty of a misdemeanor."