

State of New Mexico  
House of Representatives

FIFTY-SEVENTH LEGISLATURE  
FIRST SESSION

February 19, 2025

HOUSE FLOOR AMENDMENT number \_\_\_\_\_ to HOUSE BILL 12

Amendment sponsored by Representative Stefani Lord

1. On page 1, line 14, after the semicolon, insert "PROVIDING THAT A COURT SHALL ISSUE A TEMPORARY EXTREME RISK FIREARM PROTECTION ORDER IN ACCORDANCE WITH THE STANDARDS FOR EXTRAORDINARY EQUITABLE RELIEF; REQUIRING THAT A TEMPORARY EXTREME RISK FIREARM PROTECTION ORDER SHALL BE PERSONALLY SERVED ON THE RESPONDENT, SHALL NOT GO INTO EFFECT UNTIL FORTY-EIGHT HOURS AFTER PERSONAL SERVICE OF THE ORDER, SHALL BE IMMEDIATELY APPEALABLE AND SHALL INCLUDE NOTICE OF THE RESPONDENT'S RIGHT TO APPEAL THE ORDER;".

2. On page 1, line 15, strike "AN" and insert in lieu thereof "A ONE-YEAR".

3. On page 4, strike lines 18 through 25 and on page 5, strike lines 1 through 19 and insert in lieu thereof:

"SECTION 2. Section 40-17-6 NMSA 1978 (being Laws 2020, Chapter 5, Section 6) is amended to read:

"40-17-6. PETITION FOR TEMPORARY EXTREME RISK FIREARM PROTECTION ORDER--TEMPORARY ORDERS--PROCEEDINGS.--

A. Upon the filing of a petition pursuant to the Extreme Risk Firearm Protection Order Act, the court may enter a temporary extreme risk firearm protection order if the court finds from specific facts shown by the petition that there is probable cause to believe that the respondent poses [~~a significant danger of causing imminent~~] an imminent risk of causing significant personal injury to self or others [by having in the respondent's custody or control or by purchasing, possessing or receiving a firearm before notice can be served and a hearing held] with a firearm.

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B. If the court finds probable cause pursuant to Subsection A of this section and in accordance with standards for extraordinary equitable relief, the court shall issue a temporary extreme risk firearm protection order enjoining the respondent from having in the respondent's possession, custody or control a firearm and shall further enjoin the respondent from purchasing, receiving or attempting to purchase or receive a firearm while the order is in effect; provided that a temporary extreme risk firearm protection order shall not go into effect until forty-eight hours after the order was personally served on the respondent. A temporary extreme risk firearm protection order shall be immediately appealable upon personal service.

C. The court shall conduct a hearing within ten days of the issuance of a temporary extreme risk firearm protection order to determine if a one-year extreme risk firearm protection order should be issued pursuant to this section.

D. A temporary extreme risk firearm protection order shall include:

(1) a statement of the grounds supporting the issuance of the order;

(2) the date and time the order was issued;

(3) a statement that the order shall continue until the earlier of ten days or such time as a court considers the petition at a hearing, unless an extension is granted at the request of the respondent pursuant to Subsection E of this section;

(4) the address of the court that issued the order and in which any responsive pleading should be filed; ~~and~~

(5) the date and time of the scheduled hearing, to be held within ten days of the issuance of the order; and

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(6) notice of the respondent's right to an immediate appeal of the order and information about the standard form for such an appeal promulgated by the supreme court.

E. The court may continue the hearing at the request of the respondent, but the hearing shall be set within thirty days of the respondent's request for continuance.

~~[F. A temporary extreme risk firearm protection order shall be served by the petitioner along with supporting documents that formed the basis of the order, the notice of hearing and the petition for a one-year extreme risk firearm protection order.~~

G.] F. If the court declines to issue a temporary extreme risk firearm protection order, the court shall enter an order that includes the reasons for the denial."

SECTION 3. Section 40-17-9 NMSA 1978 (being Laws 2020, Chapter 5, Section 9) is amended to read:

"40-17-9. SERVICE OF EXTREME RISK FIREARM PROTECTION ORDERS.--

A temporary extreme risk firearm protection order and a one-year extreme risk firearm protection order issued pursuant to the Extreme Risk Firearm Protection Order Act shall be personally served upon the respondent by the sheriff's office in the county in which the respondent resides; provided that if the respondent resides in a city or town that has a police department, the police department shall serve the order."

SECTION 4. Section 40-17-10 NMSA 1978 (being Laws 2020, Chapter 5, Section 10) is amended to read:

"40-17-10. RELINQUISHMENT OF FIREARMS.--

A. A respondent who receives personal service of a

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temporary extreme risk firearm protection order and who does not appeal the order shall relinquish all firearms in the respondent's possession, custody or control in a safe manner to a law enforcement officer, a law enforcement agency or a federal firearms licensee within forty-eight hours from personal service of the order.

[A.] B. A respondent who receives a [~~temporary or~~] one-year extreme risk firearm protection order shall relinquish all firearms in the respondent's possession, custody or control or subject to the respondent's possession, custody or control in a safe manner to a law enforcement officer, a law enforcement agency or a federal firearms licensee [~~within forty-eight hours of~~] immediately upon personal service of the order or [sooner at the discretion of] as directed by the court.

[B.] C. A law enforcement officer, law enforcement agency or federal firearms licensee that takes temporary possession of a firearm pursuant to this section shall:

- (1) prepare a receipt identifying all firearms that have been relinquished or taken;
- (2) provide a copy of the receipt to the respondent;
- (3) provide a copy of the receipt to the petitioner within seventy-two hours of taking possession of the firearms;
- (4) file the original receipt with the court that issued the temporary or one-year extreme risk firearm protection order within seventy-two hours of taking possession of the firearms; and
- (5) ensure that the law enforcement agency retains a copy of the receipt."

SECTION 5. Section 40-17-11 NMSA 1978 (being Laws 2020,

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Chapter 5, Section 11) is amended to read:

"40-17-11. PENALTIES.--

A person who fails to relinquish, or who possesses or has custody or control over, any firearm or who purchases, receives or attempts to purchase, possess or receive any firearm, in violation of a temporary extreme risk firearm protection order or a one-year extreme risk firearm protection order that was personally served on the respondent is guilty of a misdemeanor punishable pursuant to Section 31-19-1 NMSA 1978.""

\_\_\_\_\_  
Stefani Lord

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_