

AN ACT

RELATING TO FIREARMS; ENACTING THE CHILDREN AND FIREARMS SAFETY ACT; REQUIRING FIREARMS DEALERS TO ATTACH SAFETY LOCKS TO FIREARMS THAT ARE CONVEYED TO ANOTHER PERSON; PRESCRIBING CRIMINAL PENALTIES.

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

Section 1. SHORT TITLE.--This act may be cited as the "Children and Firearms Safety Act".

Section 2. DEFINITIONS.--As used in the Children and Firearms Safety Act:

A. "child" means a person who is less than eighteen years of age;

B. "firearm" means a handgun, rifle, shotgun or any other weapon that is designed to expel a projectile by action of an explosion; and

C. "firearms dealer" means a person who is a licensed dealer of firearms, as provided in 18 USCA Sections 921 and 923, as amended.

Section 3. CONVEYANCE OF FIREARMS BY FIREARMS DEALERS-- SAFETY LOCKS REQUIRED-- DOCUMENTS REQUIRED-- PENALTY-- EXCEPTION. --

A. A firearms dealer who sells, gives, lends or transfers ownership of a firearm to another person shall also provide that person with a safety lock for the firearm. The firearms dealer shall attach the safety lock to the

firearm before he transfers possession of the firearm, and it shall remain attached while the firearm is on the business premises of the firearms dealer.

B. If a safety lock cannot be attached to a firearm because the firearm lacks a trigger guard, a firearms dealer shall place the firearm in a locked box or locked container before he transfers possession of the firearm, and it shall remain in the locked box or locked container while the firearm is on the business premises of the firearms dealer.

C. A firearms dealer who sells, gives, lends or transfers ownership of a firearm to another person shall provide that person with a written form that advises the person of safe storage practices for firearms.

D. A firearms dealer who sells, gives, lends or transfers ownership of a firearm to another person shall provide the person with a written form, to be signed by the person and returned to the firearms dealer, which acknowledges that the firearms dealer provided the person with:

(1) a safety lock, a locked box or a locked container for the firearm; and

(2) a written form that advises the person of safe storage practices for firearms.

E. A firearms dealer who fails to comply with the provisions of Subsection A, B, C or D of this section is

guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

F. The requirements set forth in this section do not apply to a pawn broker's pawn transaction or to a firearms dealer who sells, gives, lends or transfers ownership of a firearm that is a curio or relic to another person.

G. A firearms dealer who complies with the provisions of Subsections A, B, C and D of this section:

(1) is not responsible to another person with regard to the safety or appropriate use of a safety lock, a locked box or a locked container; and

(2) is not liable to another person in a civil action, when the action is based upon the firearms dealer supplying the other person with a safety lock, a locked box or a locked container.

H. The provisions of Subsection A or B of this section shall not be interpreted to prevent a firearms dealer from charging a customer for the expense of supplying a safety lock, a locked box or a locked container.

Section 4. RULES.--The department of public safety, after consultation with the department of health, shall adopt rules regarding:

A. an approved design for safety locks to be used by a firearms dealer; provided that the design is adequate to reasonably prevent a child from removing a safety lock

