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SENATE BILL 131

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Dede Feldman

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**

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1 C. "firearms dealer" means a person who is a
2 licensed dealer of firearms, as provided in 18 USCA Sections
3 921 and 923, as amended.

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

7 A. A firearms dealer who sells, gives, lends or
8 transfers ownership of a firearm to another person shall also
9 provide that person with a safety lock for the firearm. The
10 firearms dealer shall attach the safety lock to the firearm
11 before he transfers possession of the firearm, and it shall
12 remain attached while the firearm is on the business premises
13 of the firearms dealer.

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

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

25 D. A firearms dealer who sells, gives, lends or

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1 transfers ownership of a firearm to another person shall
2 provide the person with a written form, to be signed by the
3 person and returned to the firearms dealer, which acknowledges
4 that the firearms dealer provided the person with:

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

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

9 E. A firearms dealer who fails to comply with the
10 provisions of Subsection A, B, C or D of this section is
11 guilty of a misdemeanor and shall be sentenced pursuant to the
12 provisions of Section 31-19-1 NMSA 1978.

13 F. The requirements set forth in this section do
14 not apply to a firearms dealer who sells, gives, lends or
15 transfers ownership of a firearm that is a curio or relic to
16 another person.

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

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

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

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

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

8 A. an approved design for safety locks to be used
9 by a firearms dealer; provided that the design is adequate to
10 reasonably prevent a child from removing a safety lock from a
11 firearm or firing a firearm with the safety lock in place;

12 B. a written form provided by a firearms dealer
13 that advises a person of safe storage practices for firearms;
14 and

15 C. a written form that a person shall sign and
16 return to a firearms dealer that acknowledges that the
17 firearms dealer provided the person with:

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

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

22 Section 5. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2001.