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**SENATE BILL 272**

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

**INTRODUCED BY**

**Stuart Ingle**

**AN ACT**

**RELATING TO CRIMINAL LAW; AMENDING THE DEFINITION OF FELON FOR THE PURPOSES OF A SECTION OF LAW THAT MAKES IT UNLAWFUL FOR A FELON TO RECEIVE, TRANSPORT OR POSSESS A FIREARM OR DESTRUCTIVE DEVICE; AMENDING A SECTION OF THE NMSA 1978.**

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

**Section 1. Section 30-7-16 NMSA 1978 (being Laws 1981, Chapter 225, Section 1, as amended) is amended to read:**

**"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT, TRANSPORTATION OR POSSESSION BY A FELON--PENALTY. --**

**A. It is unlawful for a felon to receive, transport or possess any firearm or destructive device in this state.**

**B. Any person violating the provisions of this section shall be guilty of a fourth degree felony and shall be**

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1 sentenced in accordance with the provisions of the Criminal  
2 Sentencing Act.

3 C. As used in this section:

4 (1) [~~"destructive devices"~~] "destructive  
5 device" means:

6 (a) any explosive, incendiary or poison  
7 gas: 1) bomb; 2) grenade; 3) rocket having a propellant  
8 charge of more than four ounces; 4) missile having an  
9 explosive or incendiary charge of more than [~~one-quarter~~] one-  
10 fourth ounce; 5) mine; or 6) similar device; [~~and~~]

11 (b) any type of weapon by whatever name  
12 known [~~which~~] that will, or [~~which~~] that may be readily  
13 converted to, expel a projectile by the action of an explosive  
14 or other propellant, the barrel or barrels of which have a  
15 bore of more than one-half inch in diameter, except a shotgun  
16 or shotgun shell [~~which~~] that is generally recognized as  
17 particularly suitable for sporting purposes; and

18 (c) any combination of parts either  
19 designed or intended for use in converting any device into a  
20 destructive device as defined in [~~Paragraphs (1) and (2)~~] this  
21 paragraph and from which a destructive device may be readily  
22 assembled.

23 The term "destructive device" [~~shall~~] does not include  
24 any device [~~which~~] that is neither designed nor redesigned for  
25 use as a weapon or any device, although originally designed

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1 for use as a weapon, [~~which~~] that is redesigned for use as a  
2 signaling, pyrotechnic, line throwing, safety or similar  
3 device;

4 (2) "felon" means [~~a person who has been~~  
5 ~~convicted in the preceding ten years by a court of the United~~  
6 ~~States or of any state or political subdivision thereof to a~~  
7 ~~sentence of death or one or more years imprisonment and has~~  
8 ~~not been pardoned of the conviction by the appropriate~~  
9 ~~authority] a person convicted of a felony offense, whether the  
10 offense was deferred or not, by a court of the United States  
11 or of any state or political subdivision thereof and:~~

12 (a) less than ten years have passed  
13 since the person completed serving his sentence or period of  
14 probation for the felony conviction, whichever is later; and

15 (b) the person has not been pardoned  
16 for the felony conviction by the proper authority; and

17 (3) "firearm" means any weapon [~~which~~] that  
18 will or is designed to or may readily be converted to expel a  
19 projectile by the action of an explosion; the frame or  
20 receiver of any such weapon; or any firearm muffler or firearm  
21 silencer. "Firearm" includes any handgun, rifle or shotgun. "

22 Section 2. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2001.