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HOUSE BILL 25

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CRIMINAL LAW; INCREASING THE PENALTY FOR A FELON IN  
POSSESSION OF A FIREARM OR DESTRUCTIVE DEVICE.

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~~] third degree felony and  
shall be sentenced in accordance with the provisions of the  
Criminal Sentencing Act.

C. As used in this section:

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1 (1) "destructive device" means:

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

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

14 (c) any combination of parts either  
15 designed or intended for use in converting any device into a  
16 destructive device as defined in this paragraph and from which  
17 a destructive device may be readily assembled.

18 The term "destructive device" does not include any device  
19 that is neither designed nor redesigned for use as a weapon or  
20 any device, although originally designed for use as a weapon,  
21 that is redesigned for use as a signaling, pyrotechnic, line  
22 throwing, safety or similar device;

23 (2) "felon" means a person convicted of a  
24 felony offense by a court of the United States or of any state  
25 or political subdivision thereof and:

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

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

(c) the person has not received a deferred sentence; and

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

**SECTION 2. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2018.